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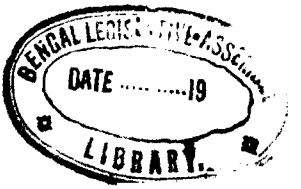
Bengal Legislative Assembly

Second Session, 1937

9th, 10th, 11th, 12th, 13th, 16th and 17th

August, 1937



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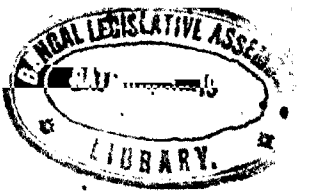

GOVERNMENT OF BENGAL.

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N

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R

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THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

(Official Report of the Second Session.)

Volume LI—No. 2.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 9th August, 1937, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, the eleven Hon'ble Ministers and 225 elected members.

STARRED QUESTIONS

(to which oral answers were given)

Tour of Muhammadan Marriage Registrars.

***21. Nawabzada K. NASARULLAH:** (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state whether it is a fact—

(*i*) that there is a standing order that the office of the Marriage Registrar should be made popular; and

(*ii*) that the Inspector-General of Registration issued a circular that Muhammadan Marriage Registrars should tour throughout their jurisdiction to popularise the registration of marriage?

(*b*) Will the Hon'ble Minister be pleased to state whether any order has recently been issued by the Inspector-General of Registration prohibiting the Muhammadan Marriage Registrars from touring or attending any branch office within their jurisdiction?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state on what authority has an order been issued by the District Sub-Registrar of Dacca prohibiting the Muhammadan Marriage Registrars from attending branch offices within their jurisdiction?

MINISTER in charge of EDUCATION (REGISTRATION) DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (*i*) and (*ii*) Yes.

(*b*) No; the Muhammadan Registrars are, however, not allowed to open branch offices without obtaining previous orders in each case.

(*c*) No order has been issued by the District Sub-Registrar of Dacca prohibiting the Muhammadan Registrars from attending branch offices opened with proper sanction. The District Registrar, however, in exercise of the authority vested in him by section 17 of Act I, B.C. of 1876, directed the closing of branch offices the term of sanction of which has expired and warned the Muhammadan Registrars against the consequences of attending unauthorised branch offices.

Leave of the Muhammadan Marriage Registrars.

*22. **Nawabzada K. NASARULLAH:** (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state whether Muhammadan Marriage Registrars are entitled to casual leave and to enjoy the public and local holidays?

(*b*) If so, will the Hon'ble Minister be pleased to state whether they have to take permission for leaving their headquarters during such holidays?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) and (*b*) Yes.

Leave rules applicable to menials.

*23. **Maulvi ABDUL BARI:** (*a*) Is the Hon'ble Minister in charge of the Finance Department aware that the leave rules applicable to menials are different from those applicable to other Government servants?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of making the leave rules uniform?

MINISTER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) Yes, there are differences.

(*b*) No such proposal is under the consideration of Government.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether Government consider the desirability of doing away with these differences?

The Hon'ble Mr. NALINI RANJAN SARKER: I cannot say anything in this connection just now.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether Government consider it necessary to abolish the discriminations and distinctions at the earliest possible date?

The Hon'ble Mr. NALINI RANJAN SARKER: I am unable to say anything just now.

Number of Muslims in different services under the Agriculture and Industries Department.

*24. **Mr. SHAH SYED COLAM SARWAR HOSAINI:** Will the Hon'ble Minister in charge of the Department of Agriculture and Industries be pleased to state—

(*i*) the number of Muslims in different services under that Department in each district, throughout the province; and

(*ii*) the proportion of Muslims in those services compared with the strength of the members of other communities?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Nawab Bahadur K. Habibullah, of Dacca): (*i*) and (*ii*) The information required is being collected and a reply will be communicated to the member as soon as it has been received.

Mr. SHAH SYED COLAM SARWAR HOSAINI: Will the Hon'ble Minister be pleased to state the approximate time when the required information can be collected?

The Hon'ble Nawab Bahadur K. HABIBULLAH, of Dacca: As soon as possible.

Scales of pay of the European and Indian teachers in European Schools in Calcutta.

*25. **Khan Bahadur MOHAMMED ALI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that European and Indian teachers in European schools in Calcutta get different scales of pay?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason for this differential treatment?

(*c*) Does the Hon'ble Minister propose taking steps to remove this discrimination?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) The reasons are of a multifarious character. Briefly, the scales vary in different schools, for different subjects and also on account of fluctuations in the finances of particular schools. There are cases in which Indian teachers are in receipt of more pay than their Anglo-Indian colleagues.

(*c*) No action is called for.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state whether there is any difference in the matter of leave and other things between European and Indian teachers in European schools?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware.

Mr. AHMED ALI: Will the Hon'ble Minister be pleased to state how many such cases there are in which Indian teachers have received greater salaries than the European and Anglo-Indian teachers?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have not gone into details and it is very difficult to say offhand.

Hours of work and living wages of the employees of the Calcutta shops, business firms and merchant offices.

*26. **Mr. AFTAB ALI:** (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware—

(*i*) that the assistants and employees of the Calcutta shops, business firms and merchant offices have to work for 12 hours on an average per day in a seven-day week;

(*ii*) that they have to work even on Sundays and other gazetted holidays; and

(*iii*) that they are not given leave on average pay or any overtime pay for working extra hours on specified occasions?

(*b*) Do the Government propose devising ways and means for regulating their hours of work and a minimum living wage in the interest of their health and efficiency?

MINISTER in charge of COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) I am aware that conditions of service of the persons mentioned are generally by no means satisfactory; but unfortunately I am unable to deal with these conditions as this particular kind of employment does not fall within the purview of the Factories Act, 1934; nor is it governed by any of the Acts under the administrative control of the Commerce and Labour Department.

(*b*) As will be evident from my answer to the previous question, there are no such proposals in my department, but I would welcome any helpful suggestions for ameliorating the conditions of this class of workers.

Mr. AFTAB ALI: Will the Hon'ble Minister be pleased to state whether he will not take any action at all till a suggestion is made?

The Hon'ble Mr. H. S. SUHRAWARDY: I think I have already pointed out sufficiently well that the department cannot take any action because this matter does not fall within the purview of this department.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to say whether he is prepared to amend the Factories Act so that these persons may be included in that Act?

The Hon'ble Mr. H. S. SUHRAWARDY: That question does not arise. It is a question for action and not for information.

Khan Bahadur MOHAMMED ALI: Does the Hon'ble Minister mean to say that the amelioration of the condition of the shop assistants is no concern of his department?

The Hon'ble Mr. H. S. SUHRAWARDY: It is no concern of my department but from a humanitarian point of view I will welcome any helpful suggestion for ameliorating the condition of this class of people.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether he intends to set up an enquiry committee to enquire into the conditions of work of this class of people?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not propose appointing any committee.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state whether it is in contemplation to amend the Factories Act so as to include these people who are suffering?

The Hon'ble Mr. H. S. SUHRAWARDY: I am afraid no amendment of the Factories Act is possible which will include the shop assistants and assistants employed in merchant offices; special legislation will be necessary to include this class of people.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state whether he will not deal with the matter without a suggestion?

The Hon'ble Mr. H. S. SUHRAWARDY: I have so suggested in my answer to the question.

Establishment of Debt Conciliation Boards in Murshidabad and other districts in Bengal.

*27. **Maulvi ABDUL BARI:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state why the Debt Conciliation Board has not so long been established in the district of Murshidabad?

(*b*) Is it not a fact that such boards have been established in other districts in Bengal?

(*c*) Has the Hon'ble Minister received any instruction from the district authorities or other prominent persons of the district on the question of the establishment of the board in Murshidabad?

(*d*) Is the Hon'ble Minister considering it desirable to introduce immediately Debt Settlement Boards in the district of Murshidabad?

MINISTER in charge of CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) In the opinion of local officers the scarcity which had prevailed rendered conditions unfavourable for the establishment of Debt Settlement Boards in Murshidabad.

(*b*) Yes; in 20 other districts.

(*c*) Yes.

(*d*) Yes; as soon as formal proposals are received from the local officers.

Dr. NALINAKSHA SANYAL: May I put a supplementary question to question No. 27?

Mr. SPEAKER: I have already called the next question; so question No. 27 is over and no further questions can now be allowed.

Improvement in the Finances of Bengal.

*28. **Mr. DHANANJOY ROY:** With reference to the reply given on the 11th November, 1936, to clause (*ii*) of unstarred question No. 10, will the Hon'ble Minister in charge of the Judicial Department be pleased to state whether the financial condition of the Government has since improved.

MINISTER in charge of JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): As the Hon'ble Member will have already learned from the Budget Speech of my hon'ble colleague, the Finance Minister, there has been some improvement in the finances of Bengal since last November.

Maulvi ABDUL BARI: With respect to question No. (*d*), will the Hon'ble Minister be pleased to state whether he has received any definite proposal from the District Officer of Murshidabad?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Not yet.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether he has any consultation with the district authorities over this matter?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state at what time does he expect the Debt Settlement Board will be established in the district of Murshidabad?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: As soon as proposals are received from District Officers.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state what he means by "as soon as" and what is the length of time?

Mr. SPEAKER: I would ask you to draw your own conclusions.

Mr. DHANANJOY ROY: Will the Hon'ble Minister be pleased to state whether there is any improvement in the position of the finances in regard to the Judicial Department?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I ask for notice.

Dr. NALINAKSHA SANYAL: On a point of order, Sir?

Mr. SPEAKER: Dr. Sanyal, what is your point of order?

Dr. NALINAKSHA SANYAL: What I wanted from you was whether I was entitled to ask my friend questions in connection with a supplementary question. It was ruled that members can question of the members who put series of questions to the Hon'ble Minister. I was just going to ask if it was in the knowledge of member——.

Mr. SPEAKER: I would like to know under what rule you ask a question to a member.

Dr. NALINAKSHA SANYAL: Rule 24 says that a question may be asked for obtaining information on a matter of public concern of the particular member to whom it is applicable.

Mr. SPEAKER: I do not think that interpretation is correct. I do not think that the rules are intended in any way to put questions to any member. Once you do that the Legislature will do nothing but ask questions and cross questions. I do not think that question arises. But I shall look into the matter again.

Short notice question.

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, I handed over a short notice question and I would like to know whether that question has been admitted or not and I would like to have your ruling considering the urgency of the matter.

Mr. SPEAKER: You handed it over to me about 1 o'clock and I hope you will give a little time to the department concerned to consider the matter, but in any case in spite of the shortness of the time this matter has been considered. I find, while I do not say anything about the merit of the question, that the form in which you have put it is entirely out of order by the conventions which have been followed in this House. No member can put a question based purely on newspaper report unless he takes the responsibility as to the facts of the matter. If you put your question in a manner based upon actual knowledge or on your responsibility, you may do so and I would request you to remodel the question and then you can put it. I must also tell you that a short notice question can only be put with

the consent of the Minister concerned. I do not think it is possible for this department to have such electrical devices by which you can quickly, within the course of an hour or two, get an answer.

Mr. SYED JALALUDDIN HASHEMY: I would remodel the question.

Application for leave of absence by certain members.

Mr. SPEAKER: This item was on the Agenda but in view of the importance of the debate we are going to have over the priority resolution I am not taking up this item now I propose to take it up some time next week.

The House will now proceed with the discussion on the priority resolution.

A member from the Congress benches: Sir, may I know what happened to the short notice question which I wanted to put at this meeting?

Mr. SPEAKER: I do not think that the time at the disposal of the House should be utilised in taking up a question of the nature as this which may very well be put to the Hon'ble Minister-in-charge and the time of the House may be thus saved.

NON-OFFICIAL MEMBERS' BUSINESS

RESOLUTIONS

(on matters of General Public Interest).

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that this Assembly is of opinion that all persons who were not convicted and sentenced after open trial and have yet been detained or interned, kept in custody or otherwise placed under restraint, or suffering restrictions on their personal liberty under executive orders, whether under Regulation III of 1818, or the Bengal Criminal Law Amendment Act of

1925, or Ordinance I of 1930, or the Bengal Criminal Law Amendment Act of 1930, or the Bengal Suppression of Terrorist Outrages Act of 1932, or the Special Powers Ordinance of 1932, or the Public Security Act of 1932 should be immediately released and all restrictions placed upon their liberty be forthwith removed.

Sir, if there is one question over which the public mind of Bengal is more exercised than over any other, I think it is the question of the detention of persons without trial and the arbitrary restriction of popular liberty which has assumed so devastating proportions in Bengal. Just imagine, Sir, for a moment that under one of the Acts referred to in this resolution, namely, the Bengal Criminal Law Amendment Act of 1930, more than 3,500 persons have been dealt with between 1930 and 1935 and more persons have been dealt with since then. Let me, Sir, refer to the latest report available to me on the administration of the Police Department in the Presidency of Bengal, viz., the report for the year 1935—for in the absence of any answer to my question on the subject I can only refer to this somewhat stale report. The report says that "3,513 persons have been dealt with under the Bengal Criminal Law Amendment Act, 1930, of whom 262 were released and 24 have died," i.e., have been released by death. "Under Regulation III of 1818, 21 persons have been dealt with, of whom 3 have been released and one has died." The only later figures that are available are the figures that were published a few months ago, I believe, in the public press. These figures, I believe, were based on a certain portion of the report on the general administration of the Presidency of Bengal for the year 1935-36. From these figures we learn that by the end of 1935-36 there were about 1,200, to be precise 1,180, detenus in jails and camps and 308 were in home domicile as against 890 or rather 900 in village domicile. Since then, of course, we have heard, only heard, that more detenus have been released, but we have not been enlightened as to the inexact number, and even if we assume that there have been a few hundred more releases since the report referred to, the number of detenus now detained in camps and jails must exceed at least 25 per cent. of the very large number of men and women who have been dealt with under the Criminal Law Amendment Act and, Sir, another 25 per cent. must be in village or home domicile. So nearly 50 per cent. of the men hitherto dealt with under the Criminal Law Amendment Act are still in detention and are rotting in different jails and camps and in insanitary and out-of-the-way villages and so-called home domicile, and they do not know Sir, when their misery is going to end. Many have died in detention and many driven to desperation, have committed suicide, many have gone mad and are now accommodated in lunatic asylums, yet the Home Minister is not in a position to release these detenus; and any urgent call for their release is only met with a definite denial at least up to date. In these circumstances there is only one course open to us,

namely, to bring this resolution before the House. It has been interpreted, Sir, that this resolution is aimed at the Ministry, that is, it has been conceived in some way or other to censure the present Ministry. But let me say, Sir, at the outset that it is furthest from my intention. It is rather to strengthen the hands of the present Ministry that this resolution has been brought forward. The other day the Hon'ble Mr. Fazlul Huq referred to certain difficulties in the way and he gave a broad hint that the difficulties were placed by the services. Sir, it is really amazing to hear such a plea from the Chief Minister of Bengal. Our idea is that the Ministers are there on the Treasury Benches to serve the people and not to consider insuperable the difficulties placed in their way by the services. Sir, even after that observation by the Hon'ble Chief Minister I thought that there was not only scope but it was our bounden duty to bring forward this resolution, not for any ulterior purpose but just to strengthen the hands of the Hon'ble Mr. Fazlul Huq who often says that he is quite prepared to stand by his election pledges, which include the release of the detenus. It is just to strengthen the hands of the present Ministry and not as I have said with any other ulterior object in view that I move this resolution. Sir, as I have said at the outset, the people of Bengal attach more importance to the question of the release of detenus than to any other question; they do not attach so much importance even to the question of provincial autonomy. And I think, Sir, they rightly do so, for civil liberties must precede any form of democratic Government. All democratic nations were assured of their civil liberties long before they had democratic Government in the fullest sense of the term. In England, Sir, they began to secure their civil liberties early in 13th century and we need not remind the Home Minister that the Magna Charta preceded the Model Parliament at least by about 70 or 80 years. All other measures which have ensured civil liberties of the English people, namely, the Petition of Rights, the Bill of Rights and the Habeas Corpus Act—all these measures are measures of the 16th century, whereas measures for Parliamentary reform, whether the first Reform Act of 1832 or the 2nd Reform Act of 1867 or the 3rd Reform Act of 1884—all these measures are 19th century measures; so the people can wait for a democratic form of Government in the fullest sense of the term; but no self-respecting people can afford to wait in the matter of having their civil liberties assured. Now, Sir, the position in Bengal is this: In 1818, the Regulation that provided for interference with civil liberty vested the power of restraint in the Governor General and during these 119 years what we saw was that instead of liberty broadening down from precedent to precedent we have got restrictions upon restrictions, in fact the power of restricting civil liberty has been actually brought down to the ground. Now under the Suppression of the Terrorist Outrages Act and the Public Security Act not only the rulers of the districts and subdivisions but even their

subordinates have got the power to issue restrictive orders and nobody knows how many such restrictive orders have been issued. I am perfectly sure that the Home Minister is not in a position to say how many such orders have been issued under the Public Security Act or the Terrorist Suppression Act by the subordinate officers in the mufassal. Apart from these innumerable cases of restrictions on private liberties, we find that the major cases dealt with under the Criminal Law Amendment Act now come up to 3,549 or rather 3,600; and as I said before, 25 per cent. of the persons dealt with under the Criminal Law Amendment Act are still rotting in different jails and camps and in village and home domicile. When such is the fact, Sir, people cannot afford to wait longer, cannot afford to wait for the release of the detenus till it pleases the executive Government to move. They must urge their proposition that the detenus must be released immediately and forthwith. In some quarters it is thought that the release of detenus means to release them from jails and camps and to transfer them to home domicile or village domicile. Sir, that does not improve matters from the point of view of the detenus. That simply releases the burden of the Government so far as the detenus are concerned. But the detenus themselves cannot think that their lot is in any way improved thereby. No detenu will consider village domicile as something better than life in jail or in detention camp. Sir, in village domicile there is no provision even for medical treatment. It is my information that the Government have stopped the provision for medical treatment of persons in village domicile or internees in spite of the fact that they are interned in remote and unwholesome places.

Then as regards those who have been sent to home domicile, their number is pretty large. They are placed in such a position thereby that they cannot even earn their livelihood. The result is what was the burden of the Government is thrown upon a helpless family; and the tragedy enacted by the restrictive conditions imposed upon persons transferred to home domicile is that the very persons who would have helped their families in their want and distress have been made so many burdens of their families. That is the upshot of the fine arrangement of transferring a man from camp or jail to home domicile. That is why I suggest that you should release all the detenus and not only release them but release them unconditionally and without any restriction. What release upon "condition" means I can only explain by quoting a specific instance and here is the instance of Benoyendra Nath Ray Chaudhuri:

"Benoy Babu is the eldest son of his father. He was arrested under Bengal Criminal Law Amendment Act on the 19th April, 1930. Two years after, he was released only to be rearrested under Regulation III of 1818 and detained in Rajamandry Jail, Madras. There he became seriously ill. A Medical Board was appointed to examine him. The Board reported that the case might turn fatal any moment and

recommended his release. His father also, having been informed of all these, submitted several applications, one after another, which however ended in his conditional release. Under the condition he had to go to Germany at his own costs and stay there for treatment at his own costs. When his resources were exhausted and his father could not recoup the same, he asked for permission to return home which was refused. Benoy Babu, however, had no alternative but to return to India. On his return to his motherland under the circumstances, he was arrested under Bengal Criminal Law Amendment Act and sent to Deoli Camp. It is reported that his condition is taking a bad turn there."

Such is the unfortunate result of a conditional release.

Permit me, Sir, to refer to a case of "home domicile." Here is an appropriate case to refer to—the case of Mr. Akhil Ghosh.

"Akhil Babu received an injury in the right ankle in Hijli Camp in November, 1933. He was suffering from excruciating pain in the ankle and made several petitions for proper treatment, but authorities paid no heed to them. His temperature, in the meantime, got irregular and there was slow rise towards the evening. The medical officer did not take any notice of it and he (Akhil Babu) at last violated the rule of the Camp by refusing his diet. He was convicted for that for nine months' rigorous imprisonment and transferred to Midnapore Central Jail for treatment. On the expiry of the conviction he was sent to the Presidency Jail Hospital as a suspected case of pulmonary T.B. Dr. D. C. Chakraverty examined his ankle and found it a case of bony growth after an injury long uncared for. His ankle has now been permanently deformed and his weight of 144 lb. in the Midnapore Central Jail stands reduced to 113 lb. On 2nd April, 1937, he was suddenly transferred to home domicile that is without allowance for himself, and without any allowance for the family. The family again has no means to meet the cost of the special medicines and special diet necessary for him."

Such is the case of one home domiciled.

I have in my resolution proposed that all restrictions placed upon these men should be forthwith removed for release under conditions is a much more punitive thing. Here is a case in point:

"Mr. Natendra Nath Dass was convicted in the civil disobedience movement and notice was served on him to show cause why his pleader's license should not be cancelled. Cause shown the Hon'ble High Court granted him permission to carry on his profession. Then his house and the house of his maternal grandmother were searched and a cyclostyled booklet was seized from the latter house. He was prosecuted for that and sentenced by the Subdivisional Officer of Contai to 6 months' rigorous imprisonment. On appeal he was acquitted. Soon after a restraint order under the Bengal Suppression of Terrorist Outrages Act

was served on him, restraining him to live in a limited area of his village and depriving him thereby of his income from legal profession. He gets no Government allowance.

Natendra Babu is required to attend twice a week the thana which is ten miles away from his village and when once he failed to attend on account of a sudden attack of fever he was again sentenced to 6 months' rigorous imprisonment. The Hon'ble High Court on appeal reduced the sentence to a fine of Rs. 25 only."

After such cases one can only conclude that these releases with restrictions are meant simply to recover the detenus as prisoners in jail. There can be no other purpose of releases with such restrictions—restrictions as cannot be complied with humanly speaking.

In this connection I would refer to a speech of the Hon'ble the Chief Minister made a few days ago at Barisal. I would not have referred at all to it but for the fact that the speech disclosed a regrettable change in the angle of vision. In that speech he said that the question of detenus was a question that affected a few hundreds or a few thousands. But now having seen the other side of the shield he has got to see to the security of 5 crores of inhabitants of Bengal. This is really a standpoint which can never be taken by a non-official member: from such a standpoint only diehard bureaucrats ever spoke. The question of detention, Sir, is not a question that really affects a few hundreds or thousands. So long as a single person is detained without trial, the liberty and freedom of 50 millions of the people of Bengal stand jeopardised. Sir, it is simply for that reason that people in all democratic countries attach more value to personal and civil liberty than even to parliamentary franchise. One must enjoy the human privilege first before enjoying a civic or parliamentary privilege.

Sir, in conclusion, I would request the Hon'ble the Chief Minister, if he really has any mind to overcome the difficulties in connection with this question, to meet the detenus and to seriously ask them whether they are quite prepared to follow their leaders' lead in non-violence. He must be aware that not only the President of the Congress, but the President of the B. P. C. C. has just issued instructions to the B. P. C. C. that propaganda for non-violence should be considered a special feature of Bengal's Congress activities. In view of such a welcome attitude on the part of the Congress leaders, Sir, and in the face of these pronouncements, I think the Chief Minister can well afford to turn a new chapter in the history of Bengal and to release the prisoners who had never been tried or charged or given any opportunity to defend themselves and thus to restore the civil liberty of which the people of Bengal have been deprived so ruthlessly and so long.

In conclusion, I once more repeat that this resolution is not at all aimed at the Ministry. This resolution has been brought forward in pursuance of public demands and just to strengthen the hands of the present Ministers and there is no other ulterior motive behind it.

Mr. SPEAKER: Notices of amendments have been given and I propose that those amendments should be moved now. Afterwards the resolution as well as the amendments will be open for discussion.

Rai HARENDRA NATH CHAUDHURI: May I rise on a point of order? It is not an amendment. It will have a negative effect to my resolution so I submit that this amendment cannot be moved. My resolution says that "all restrictions placed upon their liberty be forthwith removed," but this amendment says that "all restrictions placed upon their liberty removed in so far as such orders may be consistent with public safety." This means that the amendment does not want that all restrictions should be forthwith removed. I submit, Sir, that this proposition cannot be moved as an amendment as it asks for a negative vote.

Mr. SPEAKER: I am sorry I cannot agree to the point of view of Rai Harendra Nath Chaudhuri. His argument is that this amendment is entirely of a negative character to the substantive motion. I could have understood if this would have an altogether negative force to the present resolution. But so long as there is a common factor on the question of release, in between the terms of the amendment and the resolution, I cannot hold that it is of a negative character. In that view this amendment is in order, and Khan Sahib Maulvi Syed Muhammad Afzal may move it.

Mr. SYED JALALUDDIN HASHEMY: On a point of order, Sir. I have given notice of a motion. The motion that stands in my name is more definite, more explicit and more comprehensive, and I therefore claim priority before the other motions are taken up.

Mr. SPEAKER: You can raise that point when we take up your amendment. For the time being I have called upon the proposer of the first amendment to move his motion.

Mr. DEBI PROSAD KHAITAN: Sir, I would like to move a rider to the first amendment that is on the agenda paper.

Mr. SPEAKER: I am afraid all riders are in the nature of amendments and I can only admit riders or amendments, in whichever term you may call them, if you give notice in proper time. Unfortunately you have given no notice and as such it is difficult for me to admit it at this stage.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. The amendment which the honourable member has been permitted to move differs from the amendment on the agenda. It says that in the last two lines for the words "should be immediately released and all restrictions placed upon their liberty be forthwith removed" the

following be substituted, namely—"should be released and all restrictions placed upon their liberty removed as soon as possible in so far as such orders may be consistent with public safety," but he seems to have read out something different.

Mr. SPEAKER: Khan Sahib, will you please read out your amendment?

Khan Sahib Maulvi SYED MUHAMMAD AFZAL: Sir, my amendment reads as follows:—That in the last two lines for the words "should be immediately released and all restrictions placed upon their liberty be forthwith removed," the following be substituted, namely:—"should be released and all restrictions placed upon their liberty removed as early as possible in so far as such orders may be consistent with public safety."

Mr. SPEAKER: I find that the words "as early as possible" do not occur in the typewritten copy of the amendment that is before me. You can only move your amendment in the form in which it occurs in the list. But as your amendment now contains the words "as early as possible," you cannot move it in that form.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. Can he amend his amendment without proper notice?

Mr. SPEAKER: I have asked for the original notice to be brought to me from my office and if it contains the words "as early as possible" and it is found that it is a mistake in my office, then I will permit him later on to move it in the form in which he has moved it.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I point out, Sir, that with the permission of the House an amendment can be modified on the floor of the House?

Mr. SPEAKER: It is entirely within the competence of the Speaker to admit an amendment at short notice, and if it is of such consequence as vitally affects an issue, then the Chair will consider admitting it. That seems to be the present position. So far as the amendments are concerned, if you think or anybody thinks that a further amendment should be given notice of, it does not debar any member from putting forward such an amendment if he thinks it desirable.

Mr. NIHARENDU DUTTA MAZUMDAR: On a point of order, Sir. Having actually moved an amendment in different terms, can a member withdraw it and move a second amendment without giving any notice?

Mr. SPEAKER: I am sorry, Mr. Dutta Mazumdar, you have not been able to catch me. I think I have told the House once before that you have always to give allowance for human elements to play. The mover has given notice of an amendment and he has read it with the addition of words "as early as possible." As I have said, I have not the original notice before me, and I have sent for it. If I find that it contains the words "as early as possible," I shall allow him to move it in that form, as in that case the omission would be found to be due to a mistake in my office. But I have made it clear that it is open even at this stage to put before the Speaker any amendment, and it is the duty of the Speaker to consider its admission.

Mr. SANTOSH KUMAR BASU: On a point of order, Sir. Do these observations of yours apply to Mr. Khaitan's rider, should he choose to put forward one?

Mr. SPEAKER: Yes, certainly. Every member of this House can do so, and Mr. Khaitan is certainly included in the "House."

Khan Sahib Maulvi SYED MUHAMMAD AFZAL: Spoke in Bengali in support of his motion. (In the course of his speech he referred to the "Lotus" adopted by the Calcutta University as one of its emblems when Mr. Speaker intervened.)

Mr. SPEAKER: Order, order. I am afraid you are going beyond the terms of your amendment. You should leave the "Lotus" question aside and confine yourself to your amendment which relates to the release of detenus, unless you can show me the relevancy of the "Lotus" with the present motion.

Khan Sahib Maulvi SYED MUHAMMAD AFZAL: (Speaking in English): Sir, my point is this: That the students of the Muslim community approached the authorities of the Calcutta University, but for some reason they could not comply with their request.

Mr. SPEAKER: How is that relevant to the present discussion?

Khan Sahib Maulvi SYED MUHAMMAD AFZAL: I was drawing a parallel. I was going to show that as the Calcutta University authorities could not accede to the request of the Muslim students, so also the present Ministry should not accept the recommendation contained in the resolution moved by Rai Harendra Nath Chaudhuri. That is my point, Sir.

Mr. SPEAKER: Oh, then you are giving an illustration.

Khan Sahib Maulvi SYED MUHAMMAD AFZAL: Yes, Sir.

(The member then continued his speech in Bengali.)

Mr. SANTOSH KUMAR BASU: On a point of order, Sir. The member having spoken in English during the interruptions, it is apparent that he knows English. Can he, therefore, again speak in Bengali?

Mr. SPEAKER: If I have to strictly rule it, as I find that the member can speak in English, he therefore ought to speak in English: that is the law on the subject.

Khan Sahib Maulvi SYED MUHAMMAD AFZAL: But, Sir, as some of my friends have asked me to speak in Bengali, therefore I must speak in Bengali.

Mr. SPEAKER: Order, order. I think you cannot do that: the law is clear on the subject. Please sit down, Khan Sahib, as another point of order is going to be raised.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. It has just been decided in Sind that the interpretation of the statutory provision on this subject should be made in this way: a person who knows English should be allowed to address in vernacular also, provided that he can assure the Speaker that he would give a summary of his vernacular speech in English.

Mr. SPEAKER: With due deference to what has been done in Sind or in any other province, I think Bengal has refused to be guided in matters of judicial or in any other decision by any other province. I think Bengal can very well look to herself for her defence. I hold that under section 85 if a member says that he is unacquainted with the English language, then, of course, he is entitled to speak in the vernacular. But if he gives demonstration of his ability to speak in English in this House, as has been given by the Khan Sahib, then he must speak in English.

(Khan Sahib Maulvi Syed Muhammad Afzal again continued to speak in Bengali.)

Mr. SPEAKER: Will you please address me in English?

Khan Sahib Maulvi SYED MUHAMMAD AFZAL: It is very difficult for me to do so, as I am not as learned in English as my friends of the Opposition, and it will be very difficult for me to put forward my views adequately: I know some words only of the English language.

Mr. SPEAKER: If a member says that he is unacquainted with the English language, I should not proceed further; but as he has given sufficient demonstration of his ability to speak English, he should speak in English.

Khan Sahib Maulvi SYED MUHAMMAD AFZAL: I will not speak, Sir, any more in English.

Mr. SPEAKER: For the time being I think you have got to speak in English, because I found myself that you can very well do it. If I find that you cannot speak well in English, then I myself will ask you to change over to Bengali.

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. Could you not interpret the word "unacquainted" as "not sufficiently acquainted"?

Mr. SPEAKER: Not in this case, for I have found the Khan Sahib speaking as correct English as you are doing.

Mr. M. SHAMSUDDIN AHMED: On a point of order, Sir. Who will decide whether a member is acquainted with English or unacquainted with it?

Mr. SPEAKER: It is for the member concerned to say whether he is acquainted or unacquainted with the English language. But as the Khan Sahib has given visible demonstration of his ability to speak in English, he cannot say that he is unacquainted with the English language. So, I would again ask him to speak in English.

(The member again began speaking in Bengali.)

Mr. SPEAKER: I am very sorry, Khan Sahib; but I have got to interpret the rules and once I allow a departure it may be difficult for me to control the proceedings. In view of this I once again appeal to you to speak in English in as few words as possible.

Khan Sahib Maulvi SYED MUHAMMAD AFZAL: Sir, the amendment to the resolution which I have moved is absolutely moderate, and my friends of the Opposition can safely and contentedly accept it. The resolution is that detenus should be released immediately and forthwith. So far as I understand, it will be very difficult for the Cabinet to undertake the responsibility which the Cabinet and members on this side of the House apprehend will come in the future. The detenus have been in detention for the last 5, 6, or 7 years, and during this time we find that the terrorist agitation has subsided. So, I think

it will not be unfair or unreasonable if we come to the conclusion, which I think is a reasonable one, that with the detention of the detenus the terrorist movement in Bengal has subsided. Certainly, this has been admitted by the Leader of the Congress. The Leader of the Congress has also said that it will be the paramount duty of the Congress to preach that the terrorist movement will be of no use, that it will not help the liberty of the people, or rather it will handicap the liberty of the country. After this detention of the terrorists in camps, in jails, or in their homes, the Congress has been convinced that these boys should be corrected and that propaganda should be made, so that other boys may not go astray. That is a good suggestion, Sir. I understand that when these Acts were passed there was great agitation in the country, so much that there was an apprehension that this very Council House might be "capsized." But, in spite of that agitation, the Acts were passed, and the result has been very good. We also find that the Congress Party is trying its best for the passing of their resolution and we have moved the amendment. They think that if they can carry their resolution the result will be good, the result will be satisfactory: on the other hand we think that that will not be satisfactory, that will be disastrous, that will be detrimental to the interests of the country. So I think that the amendment which we have moved is fair and this amendment should be accepted by the party.

Sir, there is a cry in the country that the present Ministry is doing nothing and that the Huq Ministry should be brought to an end and should be driven away from the Cabinet. I do not see any reason why this cry is afloat. There are in other provinces Congress Ministries. I like to know from the gentleman on the opposite what those Ministers have done by this time. I think they have not done anything which is to the satisfaction of the gentleman opposite and to the satisfaction of the gentleman to the Right. I think that the number of detenus released by the present Ministry of Bengal is more than the number of detenus released by the ministries in other provinces. I think, Sir, we should not accept their resolution, we should think over the matter and consider the thing very carefully, calmly and dispassionately. I appeal to the gentlemen of the House to think the circumstances that prevailed in the country some 5 or 6 years back. Lives were not safe but nobody opposed the Congress, nobody spoke against the terrorist agitation and the consequences were disastrous and it was for the welfare of the people that the Acts were passed.

Sir, I beg to submit that when the Ministry was accepted by Congress members in other provinces there was some *golmal* on the very first day. The Speaker was there, the Cabinet members were there but the M.L.As. and outsiders took possession of the House and some outsiders begged whether anybody was willing to drink and anybody was thirsty in the House itself. These things were going on and we appreciate

these things because they are written in bold type in newspapers and we think that these provinces have advanced far because there is *yolmal* because the outsiders took posession of the House. Sir, we do not want that sort of Ministry. We want a Ministry which will work substantially and which will do some good to the country. Certainly, we have confidence in the Ministry, and we think that the Ministers will run the administration in such a way as the people of the country will be satisfied; and if we find that our Ministers are losing our confidence, we ourselves will move a "no confidence" motion against the Ministry and help our friends opposite in moving that resolution. We know the Act and we know the section under which that resolution may be moved.

Sir, as regards the detenu question, I must say that my learned friend, the mover of the resolution, said that the mandate was that we should release the detenus. That is a fact and we still say that we will release the detenus.

(At this stage the member having reached the time-limit, was asked to resume his seat.)

He having asked for two minutes more——

Mr. SPEAKER: I am afraid it would be impossible for me to-day to extend the time-limit and I would request the different speakers who would address the House not to place me in a delicate position by requesting an extension of the time-limit.

Mr. SYED JALALUDDIN HASHEMY: I beg to move by way of amendment to resolution No. 24 that for the words "immediately released" in the penultimate line, the words "released before the next Puja holidays" be substituted.

Mr. SPEAKER: Mr. Jalaluddin Hashemy, I would like to be satisfied on one point about the amendment you have moved. The effect of your amendment motion to the substantive resolution "should be immediately released and all restrictions placed upon their liberty be forthwith removed" will be "should be released before the next Puja holidays and all restrictions placed upon their liberty be forthwith removed." I have not been able to understand how you will be able to reconcile these two aspects.

Mr. SYED JALALUDDIN HASHEMY: This does not come within the scope of my amendment, as I have nothing to say about "and all restrictions placed upon their liberty be forthwith removed." This portion should be deleted according to the terms of my amendment.

Mr. SPEAKER: You want to substitute "released before the next Puja holidays" in place of "immediately released." But do you realise that the effect will be that the other part "and all restrictions placed upon their liberty be forthwith removed" remains?

Mr. SYED JALALUDDIN HASHEMY: Yes, Sir, that does remain. My amendment ends with the first part.

Mr. SPEAKER: I am sorry I do not understand. Your amendment is that only the words "immediately released" be substituted by the words "released before the next Puja holidays." It leaves the other part of the substantive motion intact. I want to know without operating upon the last part which requires immediate release how can you make an amendment to the first part and extend the time-limit. I think the resolution will be an incongruous one.

Mr. SYED JALALUDDIN HASHEMY: My amendment is that they should be released before the next Puja holidays and the other words "and all restrictions placed upon their liberty be forthwith removed" do not arise at all.

Mr. SPEAKER: Your amendment is that the words "immediately released" be substituted by the words "released before the next Puja holidays." You do not want to change the latter part of the sentence.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, it is well-known that after release of detenus, persons are kept under restriction and the intention of Mr. Jalaluddin Hashemy's amendment is that they should be released before the Puja vacation and no more restriction be placed upon their liberty.

Mr. SPEAKER: Mr. Mazumdar is very ingenuous, but I must say that it is not the intention of the mover. The intention of the mover is that they should be released before the Puja holidays, but so far as the second part goes, he does not say anything about it.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, in view of what is actually going on in the province, this resolution has been moved and this amendment has been brought forward.

Mr. SPEAKER: If a member wants to move an amendment in a form which makes it meaningless, it is very difficult to do anything short of disallowing it outright. I have not disallowed it but have given him an opportunity to move it, but this incongruity is a factor which should be taken note of by the mover in moving this amendment.

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, it really gives me pain to move my motion to-day, the 9th of August, 1937. I hope and hope very strongly that these detenus will be released within the first week of October. Sir, the matter of releasing these detenus has been discussed on the floor of this House on more than one occasion and if I remember aright, I had the opportunity of discussing the matter here on the floor of this House on more than one occasion. Sir, I expected at that time that I could get no mercy, no consideration from the then Cabinet consisting of the Ministers and the Members of the Executive Council. Sir, after the inauguration of the Government of India Act, 1935, and after the Ministers took the responsibility of governing this province, it was naturally my expectation that the Ministers would release these detenus as soon as they take upon themselves the responsibility of discharging their duties as responsible Ministers of this province. Sir, the amendment moved by my friend to my left, in my opinion has absolutely no meaning. Sir, it was the same language, the same interpretation that was given by the then Ministers and Members of the Executive Council. Sir, this amendment, I mean "in so far as such orders may be consistent with public safety" is so vague, so meaningless, so elastic, that it conveys practically no meaning to the members of this legislature. The question of detention was not the action of the present Ministers at all. They had no responsibility nor had the desire to regain these young men prior to their taking over charges as Ministers. It was naturally for every sane, every reasonable man of Bengal, be he of any community, to expect that these Ministers will begin with new ideal, new vigour and new energy as far as it was possible for them to keep their names intact as popular Ministers. The more I think of their action the more I am disappointed that they have taken the very self-same attitude with regard to this matter which was taken by their predecessors.

Sir, with regard to the question that has been raised by my friend that this is a matter which involves the "Huq Ministry" of Bengal, I must say—if I am allowed to say—that it is absolutely inconsistent, it is absolutely absurd that it has anything to do with the "Huq Ministry" or any member of the Cabinet. I must make it absolutely clear to my friends to my right and to my friends to my left that it is not a matter of confidence or "no confidence" in the Cabinet members or in a particular Minister or Ministers. It is a simple question of popular demand, it is a simple question from humanitarian point of view.

It is simple question of political demand. It is a question of simple humanitarian point of view. These people are detained without trial, some for more than five and half years and some for more than seven and half years and somebody says more than 15. It might be. I do not

know under what circumstances and on what ground they raise the question of confidence or no-confidence in the Ministers. It is a simple question of releasing the detenus. Can anybody doubt the sincerity of what little is being considered, but I have nothing to say about it. These detentions have so weakened them that they would not be of any danger to Government. The change of Government came but the change did not come so far as to detention of persons without trial is concerned. Can anybody in the course of two or three years, who is put in prison, lose his interest in the country, I suggested this amendment in the interest of the country, in the interest of the Ministers themselves and in the interest of the popularity of Ministers. I hope that they will come forward to consider the release of these young men who have reasonable grounds for being released and most of them, I am sure, are innocent. In my speech I said and I still maintain that most of the detenus are innocent. If the entire body of these detenus are not innocent, I can say at once that at least 50 per cent. of them whom I happen to know are innocent. I do not know under what circumstances they have been restricted and detained without trial. If this Ministry is a popular Ministry and if they come forward to bring out every one of the detenus and try them, there would be no trouble. If every one of them is placed before two judges and they are satisfied, can anybody tell the Hon'ble Minister anything? In case these two judges refuse to interfere and even recommend detention without trial, I do not know how it is possible for anybody to accuse the Minister. I know the ways of the Special Branch of the Calcutta Police and the Special Branch of the Bengal Police. This department must be maintained and to maintain this department they must have work and work to go on. I know from personal experience the ways of the police and how they try to manufacture evidence and by this they try to swell the number of detenus. If any Hon'ble Minister can courageously take into his hand the question of the methods which some officers of the Special Branch indulge in, I say with a sense of responsibility even he will find that they introduce revolvers and thereby show that almost every man is implicated in it. I submit, I know one particular young man of Dinajpur was given a revolver and arrested. The poor fellow has not got any facility to be brought to Calcutta for trial. I know of one more. The other day I referred in the course of my speech to one Maulvi Akram Khan who was placed under detention and that poor fellow had been restrained. I knew him from my boyhood and I do not know why and under what circumstances he was kept under detention in Deoli Camp. He is now reduced to such an extent that at his residence restrictions have been placed upon him. Restrictions have been placed upon those who have been released. The question of confidence or no-confidence in Ministers has been raised on the sentiments of some of the members who try to exploit and demands of release have been made by my friends. I must say and make it clear

that I do not belong to the Congress and I belong to the Praja-Krishak Party, and do not make this an issue of no-confidence in the Ministers. I must also declare that I heard in the course of the discussion that my friends have unnecessarily brought this no-confidence issue on them, and I must warn my friends to my right that they take upon themselves the responsibility of no-confidence in themselves. I have suggested before that it is a very simple issue for every human being to ask the authorities to release the persons who are detained without trial. It is not a very big task for the administration of the Hon'ble Mr. A. K. Fazlul Huq who happens to be the first Premier of the New Constitution. On more than one occasion he promised to consider the question of detenus and in his programme of the election campaign he issued a manifesto of the Praja Party to release all the political prisoners. I observe that Secretaries are here and I ask them to come forward and say whether this is a big task. On every issue it is said that the Ministry is not tenable. The Ministry consists of Hindu and Muslim Ministers together. Why it is believed that a Muslim Minister is going to be established. I appeal to the Hon'ble Minister not only to the Home Minister but to all the Ministers particularly to reconsider the matter, and I also request them to revise the decision on the floor of this House and let them come forward and say that they have got a better mentality than that of the Premier, and his predecessor Sir Robert Reid. Let them say that Ministers are there and that this Government is by the people, for the people and of the people. Let them say that they will not submit to the dictatorship of the head of the Special Branch. I know that if they do not agree they will say that they have been overpowered, particularly by the head of the Special Branch. My proposition is simple. Let the detenus be released. I will give them one month more time, say November, then I would allow them to say that it is the policy of Government to release some of the prisoners--my friends over there. I do not know the exact number. It is our duty to release them at once. As a matter of fact, they would not be all political offenders and this should be done only to prove that they are popular Ministers. Possibly there may be 2,000 detenus in several detention camps. If they came out, do they think that they will overthrow the Government of Bengal, overthrow this Ministry. Are the Ministers so weak that they would resign –

A member: On a point of order, Sir. May I know whether the speaker is discussing his own motion or the general principles of the whole motion.

Mr. SPEAKER: I think you can draw your own conclusions.

Mr. SYED JALALUDDIN HASHEMY: I know that Ministers are very much agreed to release all political prisoners. Sir, I have followed

the mandate of my party. I would request my Moslem friends here that they should not be carried away by sentiments that the acceptance of my amendment will cause the fall of the Huq Ministry. The question before us is whether the detenus who have been detained without any sort of trial should be released within a specified time. I would ask them to examine the facts and to scrutinise them carefully and if they be convinced of the justice of the demand, then I think they will fully agree with me.

Sir, with these words I move by way of amendment that for the words "immediately released", the words "as early as possible" be substituted.

Mr. SPEAKER: I may inform Mr. Hashemy that the words "as early as possible" are not in the notice of amendment which he has given. So his amendment will be taken as it has been printed in the Agenda paper. (Hear, hear).

Before I proceed further, I would like to know the view of the Leader of the Opposition as also that of the Leader of the House as to whether a time-limit should be fixed, giving the maximum time for this resolution, or whether this resolution should be continued till the next day which may be fixed for resolutions.

In this connection, I may draw the attention of the House to the provision in section 99 of the Bengal Assembly Rules and Standing Orders, under which the Speaker may, if he thinks fit, allot the maximum limit of time which shall be available for the discussion of any resolution of a private member on any day allotted for the discussion of such resolution. Before I exercise my right, however, I would like to ascertain the views of the Leader of the House and of the Leader of the Opposition.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, so far as the programme before the House is concerned, this is the only day allotted for non-official business and it is the desire of Government to have a full discussion of this question and a statement of the Government placed before the House and to have a decision of the House, if any decision is arrived at, as quickly as possible. We feel, Sir, that a postponement of this matter may lead to unpleasant consequences. We would like to have a discussion—a discussion full and free—and a decision, if any decision is to be taken, as quickly as possible. I suggest therefore that the motion be discussed and completed this sitting.

Mr. SPEAKER: Mr. Bose, do you like that the discussion of this resolution should continue till the next sitting or that it should be finished to-day.

Mr. SARAT CHANDRA BOSE: Sir, I agree with the Chief Minister that we should finish the discussion and come to a decision, if necessary, to-night. We are prepared to sit beyond 8 o'clock.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have got a lengthy statement to make and I hope you will allow me sufficient time to do so.

Mr. SPEAKER: Sir Nazimuddin, I shall call on you presently to speak. But before I finally decide as to the time of sitting I want to enquire if you are prepared to sit till 8 o'clock. If that be so, I propose to fix the maximum time at 7-45, after which I will put the motion for the decision of the House. By virtue of the power which is vested in me under section 99(3), the Speaker may, in the case of any resolution for the discussion of which he has allotted the maximum time under sub-section (1), prescribe a time-limit for speeches shorter than that referred to in that Standing Order—No. 59. So after the reply of the Hon'ble Home Minister I will fix the time-limit for speeches at 10 minutes for every speaker with a view to allow members of all sections to participate in this debate.

A member: Sir, what will happen to the non-official resolutions which have been tabled? Will they be shelved or another day be given for them?

Mr. SPEAKER: I am sorry I have no information on this point. I now call upon the Hon'ble Home Minister to make his statement.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am glad to have this opportunity of placing before the House the policy of Government in connection with the release of detenus. Since the present Government assumed office the question of release of detenus has been the chief subject of discussion in the press and platform. I feel, therefore, that a comprehensive statement on this subject may help in arriving at a satisfactory solution of the problem. In this connection I would like to draw the attention of the members of this House to a printed Memorandum, a copy of which, I hope every member of this House has received. The Memorandum gives detailed information about the treatment of detenus in jails, camps, village domicile and home domicile. This has been complied with a view to supply information to the members of the House and to the general public regarding the conditions under which the young men are detained, and the kind of treatment they received at the hands of Government. This, I hope, may help in removing some of the adverse impressions which may have been created in the minds of the members of this House on account of the writings in the press in this connection.

In my opinion, the objections raised in connection with the question of detenus can be classified under four heads:—

(*1*) The first and foremost is that Government has no right to detain a person without an open trial.

(*2*) Secondly, that those who are detained under the Bengal Criminal Law Amendment Act under Reguluation III are innocent, and are being detained on the reports of informers and agents who supply false reports merely to extract money from Government.

(*3*) Thirdly, there having been no acts of violence during the last year or two and the political situation having changed owing to the inauguration of the new constitution, there is no necessity of keeping these persons under detention.

(*4*) Fourthly, Government can release all the detenus immediately and if they revert to terrorism again Government have got ample powers to take action against them and, if necessary, they can take more drastic measures than before.

So far as the demands that are being made in such volume and with such emphasis, merely reflect a natural human impulse of the average man who would like to see the system of detention without trial ended as soon as possible, there is little to be said. There are very few in any community or any grade of society who would not echo that wish from their hearts.

But it is necessary to go a little deeper and to examine what is stated —and, perhaps even more important—what is left unstated in representations that come to Government from those who claim to speak with a sense of responsibility to society as a whole.

It is said that the detenus ought to be released at once because they are detained without trail. In the same connection it is said that the detenus must be presumed innocent because they have not been convicted in open court. Now, both these statements are propositions of law; but they are not isolated propositions that can stand alone apart from the general conception of law to which they belong. They are part of a system of law which presupposes that every free citizen of the State has an active share in the responsibility for maintaining not only the integrity but also the effectiveness of law in matters fundamental to society. That same conception of law and the rule of law presupposes the absence of dire emergency which endangers the law itself. Many, unfortunately, have been the cases when informers, approvers, witnesses, police officers known to be tracking terrorist conspiracies, and even judges have been brutally murdered, who could never have run into any danger if there had been no open trial. Even High Court Judges have been threatened when considering appeals from subordinate courts in terrorist cases.

These men are detained without trial because they are believed to have set themselves deliberately to undermine, by the use of force in its most detestable form, the whole structure of ordered Government and the ordinary processes of criminal justice upon which alone can rest the rule of law to which they now appeal. Moreover, not only did the terrorists set themselves to that task but they deliberately counted upon the liberality of the ordinary law to assist their designs. Whether or not the detenus are individually associated with that attempt is a matter of judgment in each individual case and not a question of principle at all.

I now turn to the contention that detenus must be presumed to be innocent because they have not been convicted in open court. This presumption, though by no means universal in civilised countries, is a traditional principle of the normal law of England and consequently of British India. But what becomes of that principle if its application involves grave peril to the normal working of the machinery of justice and undermines ordered society itself? In times of great emergency neither individuals nor Governments would survive if they were to regulate their conduct by the presumption that a man was not only innocent but also harmless until he had been convicted by process of law.

More than once in the old Council it has been stated that save perhaps in an insignificant proportion of cases the complicity of the detenus is beyond doubt. I may inform the House that the same conclusion was reached by Sir N. G. Chandravarkar and Justice C. P. Beacherott, two High Court Judges in 1918.

They said after an examination of 806 cases of internees that in only 6 of them did they think there were insufficient grounds for the action taken. They went on to say, after this detailed examination of individual cases, that they supported the conclusion formulated previously by another committee that revolutionary conspiracies of the crimes that had occurred in Bengal could not be checked by the ordinary processes of the law.

It is true that the above remarks were made by the two High Court Judges in 1918 but the principle is the same and the system is such that the chances of innocent persons being detained are extremely remote. No person is ever detained on the report of a single agent. The invariable practice is to take action only when a number of agents wholly unknown to one another, residing in different parts of the country with no possible connection between them, report about the activities of a certain person. In most cases these reports are corroborated by confessions, by documents seized in searches and recovered by other methods. When there is a mass of evidence against a person, then only action is taken by Government. I would like to stress the fact of the agents being unknown to one another. Anyone who supplies secret information runs a great risk and he takes the utmost precaution that

his identity is not known to anyone beyond the person to whom the information is communicated. Therefore, it is not possible for agents to know what has been stated by other agents. Besides the officers of Government naturally take great care in sifting the reports that they receive from various agents.

All information collected in the province is sent to the Central Intelligence Branch and dealt with there. The identity of every agent is established and checked so that there can be no possibility of the same agent being given different numbers. This prevents the possibility of one person masquerading as a series of agents. In the Central Intelligence Branch the information against each individual is carefully scrutinised, first by the regional Deputy Superintendents, then by the regional Special Superintendents and finally by the Deputy Inspector-General of Police himself who sends on the complete record to Government with a recommendation as to how the individual should be dealt with. At the same time that this case goes on to Government, a duplicate copy of the information is laid before two Special Judges for scrutiny. The case is carefully examined by the Additional Secretary to Government and forwarded to the Member or Minister-in-charge for final orders. If the Judges report that evidence against any individual is not conclusive, this decision is accepted, and orders passed for release. At the same time that the evidence is sent to the Judges, a copy of the charges is presented to the detenu who is asked to reply to them.

The House may be interested to hear a sample of the kind of information on which an offender is dealt with under the Bengal Criminal Law Amendment Act.

Protap Rakshit of Chittagong was detained under the Bengal Criminal Law Amendment Act in 1925 and was released in 1928. In August, 1928, one agent reported that Protap was trying to recover certain arms which he had had in his possession before his arrest. In May, 1929, another agent reported that the Chittagong party to which Protap belonged had their headquarters in a dyeing and cleaning shop in Calcutta. Protap himself was reported to have gone to Rangoon in July to strengthen the terrorist organisation there, particularly the section which was preparing for immediate violence. In September 1929 another agent reported that the Chittagong terrorists were getting annoyed with the activity of the police but that Protap had informed them that preparations were being made to deal with these officers.

In November 1929 another agent reported that Protap intended to visit Rangoon and Singapore for the purpose of arranging a supply of arms through members of the conspiracy in those places. Before the end of the year, this information was corroborated by several other agents. On 21st December the Burma Criminal Intelligence Department reported that Protap had recently visited Burma and that

Protap and another person were trying to discover a route by which revolutionaries could smuggle arms across the Burmese frontier. He was also trying to establish connection with the revolutionaries in the Straits Settlement and the Far East and was trying to obtain the co-operation of the Burmese revolutionaries in the case of a mutiny in India. Protap was reported to have brought some firearms back with him when he returned to Chittagong on the 25th of December 1929. During May 1930 a letter written by Protap was recovered in a house search in Rangoon. In this letter Protap gave information that one of the members in Burma was a spy. He warned the Burmese members that any efforts to undertake revolution on a big scale was impossible and told them to suspend all activities until he communicated with them later. He added that the police had come to know what they were doing and warned them that they were running the risk of losing their arms and funds.

This letter fully substantiated the information about his mission to Burma as described by the agents referred to.

After Protap's return from Burma to Chittagong in 1930, he was reported to be helping the Jugantar absconders of the Raid Case and to be planning to murder the district officials in Chittagong. He was also in charge of the Comilla Anushilan terrorists who were preparing for an outbreak of violence. He was arrested on 2nd September 1930.

While Protap was in jail camp between 1931 and 1933 several agents reported that he was issuing orders to the organisations outside. He was planning jail escapes and directing certain individuals in village domicile to abscond and take up active terrorism.

In 1933 when a great many Anushilan absconders had concentrated in Calcutta, information was received that they had collected dynamite and arms for the purpose of derailing His Excellency the Governor's train and attacking the Governor and other officials after the train had been wrecked. Protap at this time sent out a cypher message from Buxa camp through another detenu ordering the organisation to carry out the plan. This gang of Anushilan absconders was subsequently prosecuted in what is known as the Interprovincial Case.

In 1933 it was reported that Protap had brought a sum of Rs. 1,600 from Buxa camp to the Presidency Jail. This money was intended to be passed out of jail to assist the plans of the organisation outside for enabling the Anushilan prisoners in the jail to escape. Of this amount a G. C. note for Rs. 1,000 was actually recovered from a detenu who was being sent to home domicile in the district of Jessore. This plan for escape was actually carried out in the middle of 1934 when some of the most important Anushilan leaders of this group managed to effect their escape from the Alipore Central Jail.

This history sheet shows a typical case of a leader responsible for the commission of many crimes and for planning many others that

could not be carried out owing to these plans being frustrated by the police. He has never put himself in a position in which he could be criminally prosecuted in any court. It is impossible to suggest any other means than detention for dealing with a case of this description. The whole history shows that not only before arrest but while under detention he was one of the most important figures in the Anushilan conspiracy and showed no signs of giving up what he considered to be his mission in life, namely, to bring about an armed revolution in Bengal.

The third issue is that terrorism is now dead and therefore there is no danger in releasing all the detenus. From the perusal of the information in the hands of Government I can speak with full responsibility that terrorism is not dead. It has, thank God, been brought under control owing largely to the admittedly drastic measures the Government have had to take but it is by no means dead. There are still people all over the province trying to reorganise terrorist groups, trying to secure recruits, trying to collect arms with what nefarious purpose you well know.

Those who claim that there is no danger in release of all political prisoners forget that the immediate release of all detenus without discrimination has been resorted to on two previous occasions. In 1920 all internees under the Defence of India Act were released and shortly afterwards virtually all the repressive laws then recently enacted were repealed. Then also we had a new constitution which had just been ushered in. From 1924 to 1928 detention without trial had again to be brought into force, at the end of 1928-29 there was another general release of all the 171 persons dealt with under special law; by April 1930 nothing remained of that special legislation except the power to try by a special court. It is surely common knowledge, however convenient it may be in controversy to ignore it, that on each of those occasions within the short period of a year or two terrorism broke out afresh with renewed violence.

May I read out to you, Sir, a few extracts from the newspapers. This is, Sir, from "Forward" of 2nd March:—

"Some of the detenus have been released. But their release has not opened the flood-gates of terrorism. The Empire has not fallen. Even the bureaucracy that was so loud in damning the detenus as terrorists now fights shy of putting forward that silly argument. The revolutionary scare no longer deceives anybody. And with the passage of time people who once supported the Government in their policy of arrest and incarceration without trial, have come to hold opposite views. To cite only one instance, even our Chowringhee contemporary has been converted to an ardent champion of the release of the detenus. The obdurate bureaucracy, however, refuses to grow

wise by the passage of time. What is more regrettable is that even the pace of release by driblets has been slowed down. A thick veil of secrecy is being sought to be drawn up on the life of the detenus in jails or in internment camps. Will the Bengal Governor for a moment turn his attention from the Commission to the detenu problem —a problem which torments Bengal every moment.

"Forward" on the 8th April wrote:—

"Now that the Simon Commission has left the shores of India and the Governor of Bengal has been for the time being relieved of the task of manufacturing support for the Commission will it be too much to hope that he will turn his attention to the pressing problem of the detenus—a problem that rankles deep in the heart of the people of Bengal. The thousand and one distractions provided by the arrival of the Commission may have obliterated from his mind the problem of the detenus. But not for a moment can the people of Bengal forget their comrades behind the prison bars. Until all the victims of the Criminal Law Amendment Act and the Regulation III of 1818 are delivered out of the jails or places of internment, and those two legal abominations removed from the Statute Book, Bengal cannot even think of Constitution Making. Those two 'lawless laws' are perpetual reminders of the bitter fact that it is under a police raj that we live. The people in their helplessness were at one time led to hope that even if the policy of gradual release, release by driblets, were steadily followed all the detenus might be released before the year 1927 was out.

Dr. NALINAKSHA SANYAL: If this is a report from newspaper that the Hon'ble Minister is reading out, may I know if it is not the convention of this House that no such report should be read out or would you like to lay down any other convention?

Mr. SPEAKER: As a matter of fact, so far as I know the Parliamentary Convention is not to read extracts from newspapers. But if any Honourable member with a view to illustrate his argument reads some extracts I think it is allowed in the House of Commons also. I hope the Hon'ble Sir Nazimuddin will read as little as possible from newspapers.

The Hon'ble Mr. H. S. SUHRAWARDY: He is not reading newspaper reports; but he is simply quoting some comments from newspaper.

Mr. SPEAKER: Yes, the Hon'ble Sir Nazimuddin can do that briefly in developing his points.

The Hon'ble Khwaja Sir NAZIMUDDIN: But the hopes of the people in that direction have been falsified. And as for the detenus, constantly floating upon hopes and despairs, their condition can better be imagined than described. Most of them have suffered more than three years of incarceration, and it is no wonder their healths have broken down. It is extremely regrettable that even humanitarian considerations have ceased to weigh with the bureaucracy.

"Bengalee" (Calcutta) of the 7th February 1925 wrote as follows:—

"The Government have also said that the special measure adopted by them for the purpose of putting down terrorism will itself be a check on terrorist organisation even if it be not put in operation. Why cannot they then release the detenus and watch the effect of this measure? If the release of the prisoners give a fresh impetus to the movement, its leaders being known to the Government, the latter can take immediate steps to counteract with the help of the new law. There is, therefore, not the least justification for keeping the prisoners in detention in this altered situation .....If His Excellency the Governor be not determined to kill the Reforms, his clear duty is to send for Mr. Chakraburtty and assure him that the detenus could be released without delay. We shall not say that the future of Bengal lies with the Government but a great deal of friction and irritation may be avoided if the Government so choose."

"Bengalee" (Calcutta) week-ending 12th November 1927 wrote as follows:—

"Sir Stanley Jackson has held out hopes of releasing all internees by the end of the year. Why not expedite that work so as to make an announcement possible with the publication of the personnel of the Statutory Commission before Parliament meets? The method pursued so far has failed to produce any definite public impression. A bold policy is likely to change the political situation quite considerably."

If the dates had not been mentioned, the members of this House would have come to the conclusion that I am quoting from the newspaper cuttings of June and July 1937. Practically the same language is being used now, but after the release of all detenus and the repeal of all repressive laws in 1928 terrorism in its worst form broke out in 1930.

There is a saying which like most sayings that have taken firm root in the language of the people embodies a large element of truth "Once bitten twice shy". Popular phrase-makers have not apparently thought it worthwhile to provide a metaphor for the rare case of him who has been bitten twice.

I venture to doubt whether anyone applying a responsible and impartial judgment to those facts and considerations that I have sought as briefly as possible to lay before you would find it in his conscience to say that any responsible authority charged with the maintenance of public security, would be justified in view of those facts and considerations in returning the simple answer "yes" to the requests of those who as a matter of principle are demanding the immediate release of all detenus.

No one can say positively what is going to happen in the future. No one can state definitely that if all the detenus are released there will not be recrudescence of terrorism. Government can only go on the facts and information in their possession and on the experience of the past. In particular we do not yet know what is going to be the effect of the recent constitutional changes when the nature and extent of the transfer of responsibility which they involve is fully realised and the country has had the time to settle down under the new condition. We may hope that the general atmosphere may then be such that the terrorist virus will be unable to live. But it is too soon to speak with confidence. I would now like you to consider whether in view of the past experience any responsible Government can afford to take the risk of immediate release of all detenus. On 1st January 1928, there were 171 persons in custody as detenus or State prisoners. All were released between 1928 and 1929. Of these, no fewer than 6 took part in the Chittagong Armoury Raid, 6 others were convicted for other crimes of violence, 98 were dealt with under Regulation III and Bengal Criminal Law Amendments Act and out of the whole 171 there were only 59 who had not to be made amenable to the law in one way or another.

As regards the fourth issue, namely, that Government can release all the detenus immediately and if they renew terrorism they have got ample powers to take action against them and if necessary they can take more drastic measures than before.

The experience of 1928 shows the difficulties of taking immediate action against those who revert to terrorism. Government cannot act unless there is report from different sources and they are satisfied that the man is really involved in a criminal conspiracy. These men act secretly and taking lesson from the past experience improve their methods so that information is not always easily available against them. The danger for the future is real and can be judged from the extracts from authentic revolutionary documents chosen at random from hundreds of others. The following is an extract from a document found in the search of the house of Mrs. Bimal Prativa Debi in Calcutta in 1931 which gives a clue to the future plans of these revolutionaries.

Mr. SPEAKER: How long will you take to finish your statement, Sir Nazimuddin?

The Hon'ble Khwaja Sir NAZIMUDDIN: Another 15 minutes, I should think.

Mr. SPEAKER: In that case, I think I had better adjourn the House now for 15 minutes.

(Adjournment.)

The House was then adjourned for 15 minutes.

(After adjournment.)

Mr. SYED JALALUDDIN HASHEMY: In view of the remarks from the Chair, I submit that I should have been allowed to move my amendment before my friend the Khan Sahib. My amendment is more specific inasmuch as it gives a definite time and says "released before the next Puja holidays." On grounds of best principle, I submit that I should have been allowed to move my amendment first.

Mr. SPEAKER: Will you please hand your amendment over to me?

I would request the Hon'ble Khwaja Sir Nazimuddin not to take more than 5 minutes over his statement, because there is hardly any more time, with so many members wishing to speak.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it is a very important statement, and I should like to be allowed to state it fully before the House.

Mr. SPEAKER: I realize the difficulty, but as I have already said there will hardly be any time left for debate if you take a still longer time.

It is 7-15 and unless all the sections of the House agree in extending the time, there would be hardly any time left for debate. I am quite prepared to sit up if the leaders of the different groups have no objection. In all fairness to the debate I should give an opportunity to every section of the House to participate

Mr. SARAT CHANDRA BOSE: May I suggest, Sir, on behalf of my party that we continue till 9 p.m. to-night, otherwise it will be impossible to give chance to the speakers on different sides of the House. Moreover, Sir, I did not raise any point of order regarding the Hon'ble Home Minister's written composition because he said that he was reading a statement of Government's policy. You will have to decide whether it is a statement or an essay on the rule of law and the administrative law.

Sir GEORGE CAMPBELL: We have no objection to sit till 9 p.m.

Mr. J. W. SHIPPENDALE: I do not wish to interfere with the wishes of the majority. We want to hear the leaders of the House.

Mr. SPEAKER: The debate will not, therefore, be concluded at 7-45. As a result of the trend of the debate, I will decide the time that will be fixed. I will again request Sir Nazimuddin to be as brief as possible. It is an important statement of policy, but I hope he would try to be as short as possible.

The Hon'ble Khwaja Sir NAZIMUDDIN: Here is the extract: "After the present movement ends you will find disgust and some disappointment amongst the sincere revolutionary workers. But you need not worry. Leave sentimentalism aside. Be prepared to face the facts. Revolution is a very difficult task. It is beyond the power of any man to make a revolution. Neither can it be brought about on any appointed date. It is brought about by special environments, social and economic. The function of an organised party is to utilise any such opportunity offered by these circumstances. And to prepare the masses and organise the forces for the revolution is a very difficult task. And that requires a very great sacrifice on the part of the revolutionary workers. Let me make it clear that if you are a businessman or an established worldly or family man, please do not play with fire. As a leader you are of no use to the party. We have already very many such leaders who spare some evening hours for delivering speeches. They are useless. We require—to use the term so dear to Lenin—the 'professional revolutionaries'—the whole-time workers who have no other ambition or life work except the revolution. The greater the number of such workers organised into a party the greater the chances of your success".

I need hardly say that the professional revolutionaries referred to here are these very members of terrorist organisations who are now in detention.

"Terrorism and revolution are not the same and they are also not without connection with each other. Terrorism demands protests against injustice and retaliation on the unjust. The goal of revolution is independence—complete independence. Terrorism is the beginning of the journey and revolution its end. Terrorism will take its way by the broad path of revolution and will remove all obstacles on the path of revolution. This alone is its worth and this alone is its utility."

That is one extract, here is another from a pamphlet circulated by the communist party of India at the recent Faizpur Congress.

" ease all fighters for freedom; withdraw the ordinances. We do not make a prayer, promising future co-operation or denying that these prisoners were guilty of sedition. On the contrary we proclaim that every one of us is guilty of sedition and will always be so."

It is clear, therefore, that the revolutionaries have had for a long time clearly defined plans for the future and will make every effort to utilise the old terrorist organisation to put these plans into effect.

These then are the considerations which any responsible Government has to face in Bengal to-day.

Before I announce the Government policy there is one other argument which has been used very frequently of late in the nationalist press and at the various public meetings to which I must reply. The present Government has been asked to follow the example of Governments in other provinces. Let me inform the House that no other provincial Government has the same problem as we have. Both in character and magnitude the terrorist movement in Bengal is distinct from all other subversive movements in other provinces. The example of Burma has been quoted and we are asked to release all the detenus and political prisoners because the Government of Burma have released all those who took part in the Tharawaddy rebellion.

It would be improper for me to offer comment of any kind on action taken by a neighbouring Government. In the interest of truth, however, I ought to say that it is not the fact, as has been frequently represented or implied, that a general amnesty has been extended to the Burmese convicts. I have ascertained that what has happened is that individual cases have been carefully reviewed and that in consultation with local officers those prisoners amounting to about three-fourths of the whole, who it was considered, could be released without risk have been set at liberty. The decision does not apply to a single detenu.

But really there is, I think, very little analogy between the Burmese case and ours. An open armed rebellion put down by armed force, with the Criminal law playing a subsidiary part, is one thing. An insidious murder conspiracy pursued stealthily with every artifice of concealment and brought under control in the main not by the application of force but by the tightened grip of the law is quite another thing. They have this in common that in each case the exercise of clemency must be governed by consideration of safety and they have this vital difference that in the case of open armed rebellion it is usually much easier to determine whether or not the rebellion and the spirit of rebellion have really been stamped out.

In Punjab out of six Regulation III prisoners, three prisoners are detained only three were offered to be released on giving a written assurance that they will not take part in any subversive movement. In other provinces there are hardly any detenus and in no province were there so many outrages or so many officials or non-officials murdered as in Bengal. Therefore there can be no comparison between the action of Government of other provinces and that of Bengal.

I hope to be excused, Sir, for the length of my speech but this is the first opportunity the new Government have had for meeting the numerous criticisms of Government action. I feel there is still great deal to be said in support of Government policy but the time available will not permit me to do so. I want to assure the House most earnestly that the Chief Minister and I and every member of Government are fully conscious of the strong public opinion amongst a section of the people of this province on this question. We have every sympathy with the parents and guardians. We realise the suffering that it has caused in many homes and we are most anxious to do every thing that is possible for the release of detenus provided that it is consistent with public safety. Government would, therefore, accept the amendment No. 2 moved by the Hon'ble Member and would like to announce their policy which is in accordance with the spirit of the amendment.

The issue is a simple one. It involves a choice between two alternative policies. One is the policy advocated by the opposition which would entail the immediate unconditional release from detention or restriction of all detenus, State prisoners, or other persons detained or restricted without trial and it has been made abundantly clear that that policy is only part of a larger policy which includes the release of all "political prisoners" and the repeal of all "repressive laws". It is as part of that larger policy that it has been considered. The other policy has been expressed in the terms of the amendment. Government policy based on the amendment is as follows:—

The policy of Government will be to go to the farthest limits consistent with public safety. They will give effect to that policy by a gradual though not unduly dilatory process so that at each successive stage they may be guided by the experience of the immediate as well as the more remote past. Until it is clear that terrorist methods have been abandoned for the future, Government must pay due heed to the experience of the past, but the process of release can be accelerated in proportion to the co-operation and support given to the Government by the public in rallying opinion against terrorist methods and in preventing a recrudescence of terrorism and other violent subversive movements.

For reasons I have already given Government have felt bound to reject the former policy in favour of the latter.

We intend to release all detenus who have been in home domicile *for three months or more either unconditionally or subject to reporting* of their movements, unless there are exceptional circumstances which leave no doubt that it would be unsafe to allow them their liberty.

2. Similarly we intend to send from village domicile to home domicile those who have been in village domicile from 3 to 6 months, unless we are satisfied in exceptional cases that it is undesirable that this should be done until a further period has elapsed.

3. We have decided to reduce with all possible speed the number detained in camps and jails.

4. We shall bring back to the province all persons detained under Regulation III or the Bengal Criminal Law Amendment Act outside Bengal as soon as we can make arrangements to receive them.

5. We propose to give suitable allowances for a limited period to released detenus whose family circumstances make it justifiable to incur this expenditure from public funds. Our object is to give the released detenus an opportunity of settling down to some occupation.

6. Cases of all detenus whose health is a cause of anxiety to their relatives will be specially examined by me personally and orders will be passed with due regard to the nature of each case.

7. This is intended to be a continuous process provided as we all hope the state of the province justifies it.

Over and above the above automatic system of release Government make the following offer:—

If parents, guardians, or responsible people of the locality come forward and promise to look after, to keep in touch with and advise any detenu as to his choice of profession or other means of livelihood and in all respects do everything possible to assist the detenu to find his way back to a normal and useful position in society, then the detenu can be released provided he is not one of those whose attitude for the time being points definitely against release.

Government are spending large sums on the maintenance of detention camps and out of savings effected under this head they will be able to make adequate funds available to give suitable allowance to the gentlemen appointed as guardians to enable them to pay for the maintenance of the persons under their charge and other necessary expenses during his period of assimilation which will extend to one year. During that period the only condition imposed will be that detenus should follow the advice of their guardians and apply all their energies to fitting themselves for such profession or calling as they may choose. Failure on their part to observe these conditions

would be reported to Government for appropriate action. At the same time Government on their part will do everything in their power to encourage a sympathetic attitude on the part of prospective employers towards the aspirations of young men of whose desire to lead a wholesome and normal life they may be satisfied. In short the policy of Government is to release the detenus as rapidly as possible consistently with public safety, ensuring as far as they can that those released have opportunities of settling down to normal life of useful citizenship.

Sir, I now propose to quote some figures which I am sure will interest the House.

Since the 1st April we have decided to allow some form of relaxation in about 1,000 cases. I admit at once that this number includes transfers from camps to village domicile, but I should like to bring out the point that 250 people who were in some form of close restraint in camps, village domicile or home domicile on the 31st March have been released either unconditionally or subject to reporting their movements. Another figure which may interest the House is that since the 1st April the number of detenus in jails, camps and village domicile taken together has fallen by about 325, while about 100 more will shortly be transferred to training camps with a view to being unconditionally released on completion of their course of instructions. In accordance with the policy which I have just announced I hope that orders for the release of about 250 persons now in home domicile will shortly be issued.

The figures that I have just now quoted show that a very large number of detenus have been released and will be released owing to the steps taken by the present Government. I can assure the House and the people of Bengal that one of the direct consequences of the policy of the present Government has been definitely to expedite the process of release of the detenus. The present Government is not vindictive towards the detenus and they are anxious to put an end to conditions which are causing suffering and hardship to such a large number of parents of this province. Not a single detenu will be detained a day longer than is absolutely necessary in the interest of public safety. But I would like again to emphasise the fact that the process of release will depend largely on the co-operation and support that the Government receive in favour of the policy announced, and in creating an atmosphere which will prevent young men from taking to subversive activities. It is to be noted further that the Congress leaders who have been foremost in demanding acceptance of the policy of wholesale release have never claimed that the terrorists are amenable to their control. Government have never made the assumption that they are; the implications of such an assumption would be very damaging. But Congress leaders can help a great deal in creating a favourable atmosphere.

I welcome the announcement of one of Bengal's most prominent Congress leaders a few days ago that Congress would, whatever might be the policy of Government, put forth every effort to combat the spirit of terrorism. When the stage of debate is passed and there is no longer any room for doubt regarding the policy which will in fact be put into execution I would appeal for the fullest measure of co-operation from all quarters so that the ultimate goal which is common to us all, the restoration of normal conditions throughout the province, may be approached as rapidly as the inexorable facts of the situation will permit. No one who has clear recollection of the appalling condition of the province a few years ago can fail to rejoice that the outrages and disorder consequent upon terrorism have been suppressed. No one who has at heart the interest of the province or has any real sympathy for the younger generation can, I trust, contemplate with equanimity any course of action that might enable terrorism to rear its head again.

Before I conclude I would like to appeal once more to the members of the Opposition and the people of Bengal. The new constitution has given us vast powers. There is a great field for constructive work and rural reconstruction. Everyone in Bengal is agreed upon one question, namely, that every effort should be made for the welfare of the masses, for rural reconstruction, economic development of the province and increasing purchasing powers of the ryots. Let us all make an attempt to create conditions where all our energies and efforts may be concentrated to give effect to the above ideal. If the constitution is to be changed, let it be through evolutionary processes rather than by revolutionary methods. Do not create a feeling of hostility and bitterness against existing conditions, as an attitude of despair can only find expression in lawlessness and violence. Let the members of the Opposition concentrate on constructive criticisms of Government's policy and programme. Let everyone in Bengal come forward and co-operate with Government in rural reconstruction work and I am sure, by the grace of God, we will soon be able to bring about marked improvement in the condition of the people of the province.

Mr. SPEAKER: I have just received a notice from Mr. Jalaluddin Hashemy that he would add the word "thereafter" in his amendment. His amendment will run thus:—

"Immediate release and thereafter all restrictions put upon them will be removed".

I have permitted him to do so. I have also received a short notice amendment to add some words from Mr. Afzal who wanted to put in the words "as early as possible". I have permitted him to do that and Mr. Afzal will formally move it. In that case Maulvi Tamizuddin Khan's amendment will also be moved formally.

Mr. SYED JALALUDDIN HASHEMY: I formerly move that the word "thereafter" be added after the word "removal" in the last line.

Mr. AFZAL: I move that——

Mr. TULSI CHANDRA GOSWAMI: Mr. Speaker, I think there is an advantage both to the Speaker and to the House when a speaker has not to confine himself to a written manuscript. Had the Hon'ble Khwaja Sir Nazimuddin not been constrained to read out a long speech, he would probably have been more responsive to the temper and feelings of this side of the House. It is not public security that he was pleading for. I am afraid his speech justifies the impression that it is not so much public security that he had in mind as the security of the employment of the eleven Ministers and of others in the offing aspiring after minor jobs.

I suppose we must be thankful even for small mercies: the small mercies that have been promised to the people who have been, in some cases, detained for 7 or 8 years without trial. I think the statement of policy by the Hon'ble Home Minister is not only disappointing but positively mischievous. The Hon'ble the Home Minister quoted an extract from a statement by two Judges in the year 1918. I ventured to interrupt him at that stage; and I did so because that statement by the late Mr. Justices Chandavarkar and the late Mr. Justice Beachcroft has been execrated by all the jurists in this country. As my late chief and master once said, it is a wonder that Judges can be found to adjudicate upon dead records. It may not be known to Hon'ble Khwaja Sir Nazimuddin but it is a fact that on the floor of the Indian Legislative Assembly Sir Malcom Hailey, who is now Lord Hailey, said on one occasion in 1924 that two Judges of the High Court had been appointed to look into the cases of the Bengal detenus. We found out that that statement was more than incorrect and we put a question to him; and he had to make the admission that the High Court Judges had refused to adjudicate upon dead records. It is true that some sort of Judges had agreed to adjudicate upon dead records. But I think they were not Judges worth the name. My Hon'ble friend Mr. Suhrawardy retorted when I interrupted the Home Minister regarding the report of Chandavarkar and Beachcroft that these gentlemen were High Court Judges. That fact strengthens my argument; and it is a greater shame that two High Court Judges were found to adjudicate upon dead records.

Mr. L. T. MACUIRE: On a point of order, Sir. Can any member attack the Judges of the High Court in this manner?

Mr. SPEAKER: It is not permissible to cast reflection upon the Judges of the High Court but I believe, Mr. T. C. Goswami was

referring do dead facts of history. I myself thought of it and I found Mr. Goswami confined himself to historical facts.

Mr. TULSI CHANDRA GOSWAMI: You, Sir, have already given your ruling; but if I am further allowed to enlighten my hon'ble friend over there, I was not criticising Judges in their judicial capacity, but in their extra-judicial capacity; and it is these activities of an extra-judicial or unjudicial character which have been condemned.

It has been said that terrorism is dead. Yes, terrorism is dead, because people have realised that that is a method which will never succeed. It is probably true that in the earlier years of the Swadhesi movement there was a certain amount of sneaking public sympathy for terrorism. It is no use denying the fact. But for many years it has been felt that the method of the bomb and the revolver will not liberate any country; and that feeling has been given expression to not merely by the great leaders of the Congress but also by the rank and file of the Congress. I think I am right in saying that public opinion will help Government much more than detention without trial in suppressing terrorism. But are you quite sure, Sir, that in spite of your continued policy of detention—the Home Minister has in his speech foreshadowed a policy of continued detention—people would not be so exasperated that they might not, in spite of the advice of their leaders and in spite of the sage counsel of their elders resort to acts of violence, if for no other reason, out of sheer exasperation.

(**A Voice:** Do you throw out a threat?)

I am not throwing a threat but I am speaking with a full sense of my responsibility and as one of the officers of the greatest party in this country, I have a responsibility and I speak with the utmost sense of responsibility when I say that a policy of continued detention under the present Government might exasperate the people.

Then, Sir, our chief objection to detention without trial is that it poisons the atmosphere of the country. The enormous number of spies, named and unnamed, who are roaming throughout the country, have really poisoned the atmosphere of the country. No one believes that all or even most of the detenus are criminals. Even if they had been criminals they have served out their sentence during their periods of detention. Therefore, if you continue to have spies in such large numbers, you will find the atmosphere of the country vitiated. I have not the time at my disposal to go more fully into the subject. My leader, Mr. Bose, will deal with this and other aspects of the question. But I think I may, with your permission, Sir, read out a poem of Rabindra Nath Tagore which sums up the whole problem. I ask your indulgence to repeat it in original as I do not wish to spoil it by trying to translate

it in my slipshod English. The poem was written soon after the Hijli murders—I use the word "murders." This is what he wrote:

"প্রশ্ন"

ভগবান, তুমি যুগে যুগে দূত পাঠায়েছ বারে বারে,
দয়াহীন সংসারে,
তাঁরা ব'লে গেল, ক্ষমা করো সবে, ব'লে গেল, ভালবাসো
অন্তর হ'তে বিদ্বেষ-বিষ নাশো।—
বরণীয় তাঁরা, স্মরণীয় তাঁরা, তবুও বাহির দ্বারে,
আজি দুর্দ্দিনে ফিরানু তাঁদের ব্যর্থ নমস্কারে।।

আমি যে দেখেছি গোপন হিংসা কপট রাত্রি-ছায়ে
হেনেছে নিঃসহায়ে,—
আমি যে দেখেছি প্রতিকারহীন শক্তের অপরাধে
বিচারের বাণী নীরবে নিভৃতে কাঁদে।
আমি যে দেখিনু তরুণ বালক উন্মাদ হয়ে ছুটে
কী যন্ত্রনায় মরেছে পাথরে নিস্ফল মাথা কুটে।।

কণ্ঠ আমার রুদ্ধ আজিকে, বাঁশী সঙ্গীতহারা
অমাবস্যার কারা,
ধূলায় করেছে আমার ভুবন দুঃস্বপনের তলে,
তাইতো তোমায় শুধাই অশ্রুজলে,—
যাহারা তোমার বিষাইছে বায়ু, নিভাইছে তব আলো,
তুমি কি তাদের করিয়াছ ক্ষমা, তুমি কি বেসেছ ভালো।।*

Mr. AFTAB ALI: Sir I rise to support the amendment moved by my friend, Mr. Hashemy, and in doing so I wish to impress upon the members of this House that in the speech delivered by Khan Sahib Syed Muhammad Afzal he has tried to mix up this question with the matter of no-confidence in the Ministry—the so-called Moslem Ministry—and has thereby evidently tried to mislead the Moslem members of this House. This is not a question of confidence or no-confidence. This is not a question of which of the parties is to rule and which is not to rule. It is a question of ordinary fundamental principle: that a person should not be detained without trial. I submit, Sir, that by crushing such fundamental rights, by crushing the rights of humanity—rights, for which men have from generation to generation laid down their lives and everything they had near and dear to them—no Government can continue long. I submit, Sir, that a Government which tries to do so is living in a fool's paradise. I also submit, Sir, that it will be the height of absurdity, the height of foolishness to mislead the members of this House to think that the question of "no-confidence" is bound up with this question. Sir, although I represent Labour, I am a Moslem.

I am proud that I am a Moslem. I fail to understand why a cry has been raised both within and outside this House in the name of a "Moslem Raj," in the name of Moslem Ministry; and why a policy of terrorising the members is being actively pursued. (A VOICE: Question). I want to make it fully clear—and I offer no apology—and make it definitely clear that I am the only Moslem representative of the workers of this province. (A VOICE: What about Mr. Zaman). I was returned on the labour ticket and Mr. Zaman was returned on the Congress ticket. I refused to submit to the Congress. (HEAR, HEAR). I had and still have my own fight with the Congress. But this is pure and simple question of principle and I do not understand what is Congress and what is not congress in a question like this. I want to make it clear that the views of the Moslem masses and the views of the Moslem workers are definitely against the principle of detaining people—Hindus, Moslems or Christians or even people without any religion—without a trial. We want the Prime Minister, the Hon'ble Mr. Huq, who claims to be a leader of the people, to say that he is not robbing the liberty of these men.

The Hon'ble Mr. A. K. FAZLUL HUQ: I have not done so.

Mr. AFTAB ALI: You are doing it. Then, Sir, we heard the statement made by the Hon'ble the Home Minister. Really, Sir, when he rose to speak with a big bundle of papers, I at least for myself, became happy in thinking that perhaps my necessity of speaking and taxing the patience of the members would not arise at all. But I have been sadly disappointed. What he said is that the past experience of the Government stands in the way of releasing these men. May I tell him, Sir, that if we, the members of the House on this side, recalled our past experience it would not be possible for us to work here for five minutes. I came into this House with a hope of forgetting the past. But if I am to be guided by my past experience, it will not be possible for me to sit here for even five minutes. The past experience referred to is not of this Government but of the previous Government. As it did not bring good results in 1933, it is said that our action may be followed by untoward results. Government stand here self-condemned. They clearly show that there has been absolutely no change and all this talk of "change" is nothing but mere moonshine. I would not take up more time but before I sit down, I want to make it perfectly clear to the members whom I have found speaking in the name of the Moslem masses and talking in the name of the Moslem workers, that they can take it from me that I do not represent labour on a territorrial basis and they should not forget that I represent the seamen of this province and there is not a single village or a single district in Bengal that is not included in my constituency. (Hear, hear.) Therefore, if I claim that in a way, I voice the views

of the Moslem masses, I do not for one single moment do anything more than what I am entitled to. With these words, I support the amendment moved by my friend Mr. Hashemy in the name of the Moslem masses and in the name of the Moslem workers (Cries of "no", "no"). If my friends over there find particular pleasure in questioning me, may I challenge them to ask my constituents?

Mr. R. H. FERGUSON: Sir, I rise to oppose the resolution before the House and to support the amendment moved by Khan Sahib Syed Muhammad Afzal. My reasons for doing so are not because my countrymen are lacking in humanity but because we feel that the position in Bengal is still sufficiently serious to prevent the wholesale release of all detenus. One must remember the reasons for detaining them without trial as members of secret societies they were doing their best to upset the Government established in the province and were also involved in cases of murders of officials and Europeans. The Hon'ble Home Minister has informed us of the opinion on which Government acted before taking action. The hon'ble members on my right have challenged that statement and have also refused to admit the justice of this action. I for one would not, however, accept the statement that in every case injustice has been done, for in many cases it was high time that many of these detenus were detained.

The whole business I admit is a great tragedy to Bengal. When one thinks of these ruined young men and the unhappiness of their families which is not only confined to Bengali or Hindu families but has also brought unhappiness to the families of Britishers. It is rather disappointing to find hon'ble members here still taking action on the lines that they are now doing as it encourages these young men to continue in that direction rather than try to co-operate with the Government as now established. You have been given immense powers which you can use for the benefit of your country and yet you are not prepared to accept it. With regard to the mover of the resolution's remark that these detenus were rotting in camps I can only say after the statement which is laid on the table I can now understand why the cost of detenus is so high in Bengal. Very few in Bengal are living as well as they are. (DR. NALINAKSHA SANYAL: Let us all go there.) I want to close by saying that behind a good deal of this movement is the intention to get the British out of India. I wish to say that we are here and we intend to remain here and, I hope, with continued permanent benefit to the country.

Mr. SHYAMAPRASAD MOOKERJEE: I believe we have seldom discussed in this Assembly or in the previous Council a resolution which is of such great significance to the future progress of this province. Sir, the Hon'ble the Home Minister stated towards the end

of his speech that he felt he echoed the sentiments which were expressed both inside and outside the House regarding the general policy of detention pursued by the Government for the last 13 years. He added, Sir, that he felt for the guardians and the families of the unfortunate men who are now detained under the various provisions of the law and for whose partial and gradual release he has enunciated a policy on behalf of Government. Sir, I would like to point out with all the earnestness at my command that the question of release of detenus is not merely to be looked upon as a matter affecting the personal interests of individuals whether their number is a few hundreds or a few thousands. I would add that this question is not even to be examined from the hardships which such detention may have, as they must have caused to individual families. There is not a single member inside this House or outside it who does not feel that this problem has seriously affected the progress of this province as a whole and the question has to be looked upon not from the point of view of any particular community but from the largest interest of the country.

Sir, I realise that the question is not free from difficulties; but I would appeal once again to the Home Minister—and several appeals have gone forward to him—that he should realise what tremendous opportunities he has before him to-day for meeting the problem of terrorism once and for all.

I do not propose in my remarks to deal with the details of the cases which he has brought to the notice of the House details which were never allowed to be examined or scrutinised by the parties concerned—extracts from letters which have been read out, the names of the authors of which are even unknown to the members of Government, based in information and reports supplied by spies and agents paid by Government. But, Sir, I would assume for the time being for the purpose of my arguments that what the Hon'ble Minister has said is correct. What is the remedy which the Hon'ble the Home Minister proposes to adopt for the purpose of removing this menace which he says faces the future progress of this province? So far as I have been able to gather, his announcement mainly comes to this that the Government is prepared to release the detenus as early as practicable provided it is consistent with public safety. May I ask the Hon'ble Minister in all seriousness—does he then admit that his predecessors in office continued to detain these young men in these detention camps although public safety did not require the same? What is the new policy which the Hon'ble the Home Minister is placing before this House? That the detenus should be released when Government considers such release to be consistent with public security was, I believe, more or less the policy which governed the action of his predecessors in office and announcements were made accordingly on the floor of this House. But the public of Bengal has never

accepted the view-point of Government that such a large number of youths should be detained without trial on the ground of public safety.

The Hon'ble Minister has stated, and I believe it constitutes one of his strongest points, that in the past political prisoners were released but that was followed by fresh organisations in support of the terrorist movement. He may naturally refer to that aspect of the problem. But even his own figures show that the vast majority returned to normal activities. To my mind the position to-day in the country has changed and changed considerably. It has changed in the first instance because for the first time in the history of India we have a system of Provincial Autonomy for what it means. We have to-day a Minister who is responsible to the House, a Minister who is in charge of the Department of Law and Order and naturally the public of Bengal expect that he will look upon this question from the point of view which will be different from that which governed the action and policy of his predecessors. Is not public opinion against terrorism and violence more pronounced to-day than before? Has not the Congress itself offered its hand of co-operation to wipe it out? Does not Government itself admit that the situation has changed?

I am asked if there is any other province in India to-day which is faced with the problem of terrorism as Bengal has been? I do not think there is. Is it, however, irrelavent if I refer to facts and circumstances operating in at least one country beyond to shores of India? Will it be irrelevant in to-day's discussion to refer to the circumstances which led the same British Government which dominates over the administration of India to-day to adopt conciliatory measures with regard to the affairs of Ireland? What happened in that country? I ask the Hon'ble Minister to recall what happened in 1916 after the Easter Rebellion? Is it not a fact that men were released from custody who were not merely detained but also who were convicted of serious offences, which even included political murders? So far as the internees were concerned, all of them—as many as 1,800—were unconditionally released.

Leaving aside the internees, what about Mr. De Valera the present President? What were his antecedents? Is it not a fact that he was sentenced to death in 1916 after he was arrested and convicted? Is it not a fact that his sentence was then reduced to one of penal servitude for life? Is it not a fact he escaped from prison? Did he not himself nominate representatives to discuss terms with Government? After his return to Ireland, was he not again found guilty of committing acts which Government thought constituted acts of serious conspiracy against the British Government? Even after that, the same De Valera was again released. And what is his position to-day? We find him to-day as the President of his own country. What about Michael Collins? What happened in his case? I know that the fight

between Kim and the extremists ended in bitter civil war, but that is another aspect of the matter. (Laughter.) My European friends are laughing. I do not know what exactly this laughter signifies. Let them contradict me when I say that so far as Michael Collins was concerned it was a fact that he was found guilty of serious political offences but afterwards he also was released. Forget not that in his case Government later on announced a reward of £10,000, for his arrest. What did he do? What attitude ultimately did he take towards the British Government? Did he pursue the policy of hatred? Did he not on the other hand openly declare that he was convinced that it was not in the interest of anybody that the connection with the British Government should entirely cease, and did he not apply his soul and energies to the task of national reconstruction? There was civil war because he had the courage of his own conviction, because he though that the country should not go to the extreme end and he denounced the extremists. There was civil war because the British policy had sown the seeds of hatred which even he could not eradicate from the minds of his people. So far as his attitude towards the British Government was concerned, did he betray the British Government? Did he betray the confidence that was reposed in him by the British Government? On the other hand, he paid the highest penalty because he stood by his principles.

Sir, I appeal to the members of the Cabinet to take a statesmanlike view of the present condition. It may be that they would be taking risks but the risks are worth taking. We are told by the Hon'ble Khwaja Sir Nazimuddin that a new order of things is about to be introduced in this country—

(Here the member reached his time limit and asked for one minute to finish his speech.)

Mr. SPEAKER: As there are many speakers who are anxious to speak I am sorry, I cannot grant you any further time.

Maulvi TAMIZUDDIN KHAN: Sir, I think the statement of the Hon'ble Khwaja Sir Nazimuddin has taken the wind out of the sail of the amendment of my friend Khan Sahib Afzal and also to certain extent of the original resolution under discussion. I would not have intervened in this debate but for the appeal that was made by several members on the floor of this House, to the Moslem members. It is incumbent on us, therefore, to make the position of those members who are supporting Government clear on the floor of this House. We are not in favour of the policy of detaining prisoners without trial. We are not in favour of detaining prisoners without trial for an indefinite period. We all feel what a misery it is to those people who are detained for indefinite periods in jails and in detention camps. This policy of detaining persons without trial must cease.

But the question now is whether these detenus can be forthwith released. My honourable friend Mr. Syamaprasad Mookerjee has just now said that the Hon'ble Khwaja Sir Nazimuddin has propounded no new policy, but he is just following the policy of his predecessor in office. I think, Sir, that the present Government cannot make itself altogether detached from the outgoing Government. The outgoing Government has left this Government, as it were, on the pinnacle of a precipitous cliff. Now, Sir, the problem before them is to climb down. Is it possible for them to take a hazardous jump? That is the only question that awaits solution. The Hon'ble Khwaja Sir Nazimuddin has said that it is the policy of the present Government to release the detenus as soon as possible. That is no doubt a reassuring statement. But we should make it clear to Government that we are not fully satisfied with the words "as soon as possible". I feel that they cannot be released to-day. Even if the main resolution is accepted—even then some time will have to elapse before the detenus can be released. Therefore, there is no difference between the original resolution and the amendment moved by my friend Khan Sahib Maulvi Syed Muhammad Afzal from this point of view. The only question is how the Government are going to expedite the process of releasing the detenus. If they want to take shelter under the words "as soon as possible", they will not have the support of the majority of this House. We all hope that the detenus will be released within a short time, say within three or six months. (Ironical cheers from the Congress benches.) Government should frame and carry out a progressive policy of releasing the detenus. In fact I for myself do not see any reason why Government should require more than six to nine months at the utmost to release all the detenus.

Sir, so far, as the Muslim members are concerned, their position is not the same as that of the Opposition. It is unfortunate, Sir, that on account of the condition that prevails the Congress Party could not see its way to take upon itself the duties and the responsibilities of office. Had it done so, the circumstances would have been altogether different. The Hon'ble Khwaja Sir Nazimuddin has said that the analogy of the other provinces does not actually apply to Bengal. To my mind, that does not apply to Bengal for more reasons than he has pointed out, because in those provinces where Congress Ministries are functioning the situation and circumstances are altogether different. Why does terrorism grow and flourish in Bengal more than in the other provinces? What is the genesis of this cult of terrorism? So far as we have been able to analyse the situation, it is partly due to economic distress and widespread unemployment. I do not, however, pin my faith very much on that. To my mind the principal reason is political discontent. In those provinces where Congress Ministries are functioning, I think there is very little political discontent at present. But on account of

the unfortunate fact that the Congress has chosen not to accept office in Bengal, political discontent is as rife in Bengal to-day as ever particularly amongst those classes of people out of which the terrorists are drawn. I, therefore, think we cannot blame the Government if it wants to take some time in releasing the detenus and wants to be a bit cautious. I also want to make it clear that the Muslim members of this Assembly, upon whose support to a large extent the Ministry counts and without whose support the Government cannot exist, have a somewhat greater responsibility in this matter than the members of the Opposition. If anything untoward happens—if this administration proves to be a failure—I think the Muslim members will have to take a great deal of the responsibility for that failure. Therefore, I feel that we shall have to move a little more cautiously than my friends of the Opposition would like us to move. But I want to make it clear that we want our Ministers—our Government—to function on progressive lines. I protest against the suggestion that Government is guiding the votes of the Muslim members. It is not the Government that is directing and guiding the votes of the Muslim members, but it is the united opinion of the Muslim members that is guiding, and will guide, the actions of Government. We shall be supporting the Government as long as it is amenable to our views. If we find that in course of time this Government cannot keep pace with the opinions of the Muslim members of this House, that will mean an end of this Government. (MR. SANTOSH KUMAR BASU: Hear, hear. It will mean only the end of Muslim members like you.) I do not like to say anything more. (MR. SANTOSH KUMAR BASU: Very frank of you indeed!). Circumstances, as they stand, compel us to painfully follow the course of precaution and not to take any precipitate action. With these few words, Sir, I support the amendment moved by my friend Khan Sahib Maulvi Syed Muhammad Afzal.

Mr. SPEAKER: I propose to close the debate under the rules and under the powers vested in me at 8-50 p.m. I anticipate that the voting and the division will take a long time. I propose to wind up the debate at 8-50 p.m., as I do not want to detain honourable members till a late hour of the night. Those gentlemen who want to speak will please speak briefly, and it will be convenient if they could impose a self-denying ordinance on themselves and confine themselves to 5 minutes, so that a larger number of speakers may take part in the debate.

Babu JATINDRA NATH BASU: Mr. Speaker, Sir, it has been admitted on all sides that the measures under which these persons have been kept under detention are emergency measures. The Bengal Criminal Law Amendment Act and other Acts were promulgated when certain emergencies had arisen which were necessary for us to face

and which could be only faced by especial Acts. Now, Sir, the question before the Ministry to-day is as to whether that emergency is still subsisting. I would request them to consider the fact that the political ferment to which my friend Mr. Tamizuddin has referred has subsided to a large extent in this province as in the other provinces to which also he has referred. We have now autonomous provinces with the control of the administration of the State in the hands of Ministers responsible to the legislature. It is not fully appreciated as to what a great change this circumstance has made in the mentality of the people of this country. If that were fully appreciated, then the Ministers would probably look at questions like these which are now before the House in a different light. Sir, as has been already pointed out by the Hon'ble Home Minister himself and by others, no one likes people to be kept in detention for an indefinite length of time without bringing them up for trial. There are probably some difficulties in the way, but in spite of those difficulties, during all this period that terrorism has prevailed in the country, there have been public trials and convictions of accused persons. There have been undoubtedly a few cases in which witnesses, lawyers and judges have been victims of terrorism, but that has not prevented quite a large number of men from coming forward and giving evidence about facts they knew. Sir, even in more troublous times, during the last war, men were brought to trial in England; for instance, we all know the case of Sir. Roger Casement. He was convicted of trying to facilitate the landing of Germans in Ireland. He was apprehended, brought to trial and there was a regular trial, and then he was sentenced to death. But, here, in these cases we have hundreds of these young people kept in detention indefinitely. Many of them are in their teens or are just out of their teens, and therefore at an impressionable period of life. They were brought in to join certain conspiracies and the Hon'ble Minister has given us details of those conspiracies, and the activities of some of these young people. There is undoubtedly a great deal of truth in what he says, but it can hardly be that all these young people who are said to be terrorists are leaders—a great many of them must be followers, and a few only are leaders. But the fact is that there are a large number of young people who are supposed to be capable of leading the country or misleading the country. That is the point of view from which the question should be looked at. If they were induced to join some conspiracy, it should not be difficult to induce them again to follow in turn a straight path of life if they are given a chance and if they are dealt with sympathetically. But if you persist in treating them as criminals and keeping them in detention, you yourselves are helping to convert them into criminals! It has been pointed out that had they been brought to trial many of them would by this time have been out of jail and Government would probably have no hand in their further

detention, I would ask the Hon'ble Minister therefore to consider that aspect of the problem which we are considering to-day. He has stated that these questions have been carefully considered on the basis of information received from different sources. Sir, as one having some experience of law during the last 40 years, I may say that sometimes cases are so presented before a person, in so plausible a light, that they look like perfect truth, but when you come to test them carefully, then you find that the circumstances which appeared to be so plausible facts at once crumple into dust. I will recall attention to one or two matters relating to political crime. Many of us remember the Narayangarh Train Case. In this case, in the train in which Sir Andrew Fraser, the then Lieutenant-Governor was travelling, there was bomb that exploded under that train. Twelve or 13 coolies who were working on that railway at repairs—they were apprehended by the police. There were long statements obtained from witnesses; there were preliminary enquiries before a Magistrate and there was then a trial before a Sessions Judge and those poor people were convicted to long terms of imprisonment. Shortly after, the Manicktolla Bomb Conspiracy was discovered. There was that trial at Alipore and in course of that trial some of those arch conspirators admitted and showed by definite facts that they were responsible for the train outrage, in spite of the police officers from top to bottom who had found those coolies guilty of a conspiracy and Government had to release them in the circumstances. I would, therefore, ask the Hon'ble Minister not always to consider the *ex parte* statements of men, however numerous they may be in number, as absolutely true for convicting these people.

Mr. HARIPADA CHATTOPADHYAY: Sir, I wholeheartedly support the resolution moved by my esteemed friend Rai Harendra Nath Chaudhuri. Sir, the Hon'ble Home Minister has made a long statement. But in spite of what he has said, I submit that it is against all principles of liberty and democracy to place people under detention or otherwise place restrictions on them without trial in an open court of law. The other day the Hon'ble Home Minister paraded so much about the fundamentals of Government and to-day also he expressed such tender concern for them. But, Sir, may I ask, is it not against the fundamentals of any Government worth the name to detain people without any trial whatever and to condemn them behind their back? Sir, can they do the same thing in England? If the Government cannot be carried on without these lawless laws, it is better that they should abdicate. They stand self-condemned.

Sir, just think of the preposterous absurdity of this ugly policy. Instances are not rare where persons who had been acquitted after trial in an open court of law were immediately pounced upon and placed under arrest by the Intelligence Branch Police before the very eyes of

the Judges of the Court and spirited away one knew not where. The same thing happened even in the precincts of the High Court. In some cases people, after acquittal by the Judges of the High Court, were arrested by the Police. Sir, can the Executive sit in judgment over the High Court Judges, the highest judiciary in the land? On the unsifted evidence based on the dead records of the Intelligence Branch Police, not worth four annas, some myterious Judges adjudicate and condemn people unheard behind their back. Sir, the Intelligence Branch Police are not saints. Cases have come to light where trying courts have passed severe strictures upon Intelligence Branch men and convicted them for their frame-ups.

Sir, a pamphlet has just now been laid on the table which shows how happy these detenus are inside their camps. I wish I had sufficient time to give a reply to this. Strange things happen in this unfortunate country. We are told that the Andamans is a nice place, an earthly paradise. But persons who describe them to be so would never go and live there. It is only some self-sacrificing, but misguided young men who have been convicted that are sent there. Similiarly, we are told that these detention camps are ideal places to live in, but only detenus are sent to rot there. In the eye of the law these detenus are supposed to be innocent people. Why only they and not other innocent people are made to go and live there. Why not the innocent people who sent the detenus to these ideal places themselves go and live there? To detain people indefinitely and on the top of that to describe their places of detention as ideal places is simply adding insult to injury.

Sir, we must not forget for a moment that a prisoner is after all a sensitive human soul ever pining for the outside world with its blue sky, with its green fields, its fresh air and above all with its human association. Sir, a convict who is sentenced to a definite term of imprisonment has at least one consolation. He can count the date of his release. As the evening shades close he contemplates with a sigh of relief that one more day passes by from his long vigil of sorrow. But just think of the miserable plight of these poor detenus. They cannot even count the date of their release for they know not when they will be released. No wonder there have been so many cases of insanity and so many cases of suicide amongst them. Sir, here I have got a list of 33 names. Many of them developed signs of insanity and some committed suicide. Sir, people do not commit suicide for the mere fun of it.

Seven years have passed since I met Taradas Mukherjee, a detenu of my district, in the Alipore Central Jail. He developed signs of insanity and was locked up in a cell. The blank walls and the iron bars of his cell were his sole companions. His mania was that he was innocent and must be restored to his near and dear ones. His piteous

wails broke in upon the silence of the night and rang through the corridors. I still remember the pathetic scene when his brother came to interview him. He held his brother fast, in a close embrace, while both the brothers were bathed in tears. He afterwards committed suicide at Mayurbhanj perhaps to make his appeal from tyranny to God.

Sir, take the case of 1818 Regulation III prisoners. Many of them have been in detention for a total period of more than 20 years. They have been buried alive so to say.

Sir, I wish I could describe to you the lot of the poor relatives of these detenus. Let me give you one instance of a retired headmaster, a blind man. He was my next door neighbour. One day when news came that his son Govinda Pada Dutta had been shot at Hijli Detention Camp—*so shootings* also take place in detention camps and they are not perhaps such ideal places as they are described to be—tears rolled down the cheeks of this blind man. This father died of a broken heart and the mother of Govinda Pada Dutta ran mad.

Sir, I submit that terrorism is a philosophy of despair. I hate terrorism. But I hate it still more when it comes from those who pose themselves as guardians of law and order. This is not the way to eradicate terrorism. This aggravates the disease. The remedy is worse than the disease. For those who will sow the wind must always reap the whirlwind. What is wanted is broad statemanship and a noble and generous outlook. Sir, long, long years have passed since thousands of the best sons and daughters of Bengal have been rotting in detention. Long, long years have passed since their near and dear ones have been shedding bitter tears. Thousands of homes in Bengal have been made desolate. A cry of agony from the heart of our dear motherland rises up to the very throne of heaven.

Sir, I appeal to the Hon'ble the Chief Minister to release the detenus and lift up the nightmare atmosphere that prevails in the country. Sir, was not this one of the major issues on which the Proja Party fought their elections? Was not this one of the issues on which the Patuakhali election was fought? I ask the Hon'ble Mr. Fazlul Huq to implement his election pledge. Let him not break to the heart the pledge that he gave to the ear.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I would never have spoken but for the speech which has just been delivered. I do not wish to inflict a speech, because, Sir, I am firmly convinced that there is not a single member in this House who is waiting to be convinced by arguments; but, Sir, I wish to tell this House emphatically that it is an absolute lie that I fought my election on the issue of the release of detenus. It is true, Sir, that the election manifesto of the Proja

Party contained a clause about the release of political prisoners, a policy to which I still adhere, a policy which has been accepted by our Government. But there is a great difference between a policy of release and a policy which wants to force the hands of Government by demanding an immediate release and removal of restrictions forthwith. Certainly, Sir, this Government is a Coalition Government, and it came into existence on the basis of an agreement between various parties known as the Coalition Party. In the manifesto of the Coalition Party there was a clear declaration that the release of political prisoners must be effected consistent with public safety. All the 121 members who signed that creed and on the basis of which this Ministry has been formed are not to-day false to their pledge: they are bound to vote in favour of the amendment that has been moved by Mr. Afzal. I would remind the House that those persons who signed that paper solemnly declared that they would support the Ministry that was formed on the basis of that coalition. There was the phrase "consistent with public safety." I want to tell this House that there is nothing wrong in that reservation. I wish to tell my friends that there are various ways of looking at things. It all depends on the manner in which this phrase is interpreted. If the person who interprets this phrase does it from a consideration of the various factors which should be taken into account in pursuing a sympathetic policy, nothing wrong or objectionable can happen. If his angle of vision is either an obtuse angle or an acute, there is risk of some danger. If the angle is a right-angle then there is no harm and we do claim that our angle of vision is the right-angle. We are prepared not merely to give effect to a policy of release, but we can declare most solemnly that we are prepared to interpret the expression "consistent with public safety" as generously and as liberally as possible. After all, we are not out of sympathy with our own countrymen. You assume that we are, and on that assumption you go on and base your argument. That is the one great trouble and that is why the whole atmosphere is surcharged with an atmosphere of suspicion and distrust.

Rai HARENDRA NATH CHAUDHURI: But has there been a change of policy?

The Hon'ble Mr. A. K. FAZLUL HUQ: My young friend says there is no change. Formerly it was the policy of detention, now it is the policy of release: that is a great fundamental change that has come over. We are trying to release——(SEVERAL VOICES: Trying to release.) I cannot reply to such interruptions.

My friend, Mr. Syamaprasad Mookerjee, has been good enough to realise our difficulties. These difficulties are not the difficulties that are offered by the services. The difficulties are of two kinds to which

I am not making any reference at the present moment. But, Sir, I wish to emphasise at the present moment one or two points in the speech delivered by my friend, the Hon'ble Home Minister. Sir, consider the number of persons who have been either released or in whose cases order of relaxation of a definite character has been made. Are these not indications of the progressive policy which has been pursued by the Government? It may be that it does not satisfy my friends. We know that it does not satisfy them. They want that there should not be a single person in custody at the present moment and the whole lot of detenus should be released forthwith. Sir, it is a very natural desire on their part and had I not been connected with the administration, perhaps I would have felt a desire of that kind. But I am feeling that there are practical difficulties in the way. Will my friends believe me that I will do the very best I can, not only to persuade the Chief Minister, not only my friends in the Cabinet—I am talking of the Chief Minister as Mr. Fazlul Huq and not as the Chief Minister of Bengal. (A VOICE: You are suffering from double personality.) Yes I am suffering from many things, if you please. At the same time, I am devoid of the ordinary instincts of humanity. I can tell you, Sir, that out of 1,600, more than 1,000 persons have been either released or are persons in whose cases restrictions have been relaxed. At the moment I am speaking, the usual orders in some 200 cases will be issued for unconditional release. Some will be transferred to their homes and some will be sent to village domicile. But it takes some time before these orders can come into operation. It may be that my friends think that they should be released immediately before the Pujas. It may be so, if things go on smoothly—no one knows—it all depends on the circumstances. If we can accelerate the pace, more releases will follow. I am not going to refer to the difficulties as my friends will take offence. But I would ask the House to take into account the offer that has been made by the Hon'ble Home Minister. Let the guardians, not merely guardians but responsible persons in the village, come forward and co-operate with us. Let them sit at a conference with us and we shall decide in consultation with them what is the best thing to do, that is either to release unconditionally or to try and find out some career for these young men. It is no use turning them into the streets after keeping them in detention for a number of years. We are willing to find some careers for these young men and get them settled in life. We want to co-operate with their guardians or their relations or some responsible persons. Let these persons come forward and take up this offer. If we do not make good, then it will be time for them to say that we have not been sympathetic. I do not see why should not the guardians take charge of their wards. If they want any monetary help, Government would give it. I do not know what better offer can possibly be made. As soon as we find after exploring all the avenues of helping the detenus

that they can be properly settled in life, we would do it. What has been done in the past will be a guarantee of what we are going to do in future. I submit, therefore, that taking all the circumstances, the opposition will understand that we have not been idle and that we have been doing all that can possibly be done and that at least there has been some improvement than it has been in the past. That is our claim. Formerly there might have been a policy of detention.

(At this stage the member having reached the time limit resumed his seat.)

Mr. SPEAKER: I would now allow the leader of the opposition to exercise the final right of reply.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, is it the Parliamentary practice that if the Government member wants to reply, the leader of the opposition is to be allowed the right of reply? He had ample time to speak, but he did not speak.

Mr. SPEAKER: In the interests of fair debate in order to allow representatives from all sections to participate in the debate, I have thought fit to extend the time. If the Hon'ble Home Minister wants to exercise his right of reply, I am quite prepared to allow him to do so after Mr. Bose's reply.

Rai HARENDRA NATH CHAUDHURI: Sir, I have given up my right of reply in favour of Mr. S. C. Bose. Can the Home Minister have a right of reply after Mr. Bose has spoken?

Mr. SPEAKER: Yes. He can I now call on Mr. S. C. Bose to speak.

Mr. SARAT CHANDRA BOSE: Sir, I quite agree with the hon'ble members who have just preceded me that this subject is not new to us. For twenty-five long years, in session after session of the old Bengal Council, this subject has been debated, and those of us who either attended as members of the old Council or listened to the debates, remember, and remember clearly, the miserable circle of occasional arguments which were adopted by the Home Member for the time being.

Sir, the Hon'ble the Home Minister in his written statement, which he read before this House, merely repeated that miserable circle of occasional arguments which was put forward by his predecessors in the old Legislative Council. He said, in the course of his speech, that there was no chance of innocent persons being detained. He goes very much beyond what his predecessors, the Home Members, said in the old days in the old Council. May I remind you, Sir, that the same

thing was said when the late Aswini Kumar Dutt and Mr. Krishna Kumar Mitra and others were clapped into prison under Regulation III of 1918. We are indebted to Lord Morley's "Recollections" for the information that the charge against them was that they were "criminally connected with criminal plots." Year after Sir Hugh Stephenson had to admit, when he addressed the Bengal Legislative Council, that Messrs. Dutt and Mitra were arrested and detained without trial not because they were "criminally connected with criminal plots," but because they were political agitators.

Only recently a charge was made against a State prisoner in the Indian Legislative Assembly that he was "deeply connected with the terrorist movement." In reply to that accusation, he asked to be placed before a tribunal consisting of some Government officials—the Law Member of the Government of India, the Revenue Member of the Government of Bengal, and the then acting Chief Justice of the Calcutta High Court. When he threw out the challenge that the matter be placed before those officials of the Government, the Government did not dare to take up that challenge. Therefore, I say, Sir, that in this matter we should only be guided by the fundamental principles of justice. I heard the Hon'ble Minister talk of the "rule of law." I very much doubted, when he was reading that statement, whether he understood what was meant by the "rule of law." "Rule of law" forsooth! Under his "rule of law" persons can be detained without trial! I do not know to which country that "rule of law" belongs: it does not belong to any civilized country in the world. Sir, we take our stand on the "rule of law" which has been recognised in all ages and in all civilized countries, and that rule is that no persons can be detained without trial before courts of law.

The Hon'ble the Home Minister, possibly with the object of fortifying his argument, read out an extract from something which was found somewhere. Sir, if I had the time, I would have analysed that statement a little further. May I draw the attention of the House to an instance in point. The instance is that leaflets printed on Dail Eirean note-paper with the murderous slogan

"An Eye For An Aye,
A Tooth For A Tooth;
Therefore, A Life For A Life."

were circulated and it was alleged that they had been discovered as a result of some searches. Of course, the charge made was that it was printed and circulated by the Irish Sinn Feinners in May, 1920—to give the exact date it was on the 14th of May, 1920. Now, it is a historical fact—and I shall give you, Sir, the facts as clearly as possible, and it was discovered by Michael Collins—that these leaflets were typed by the Intelligence Department of Dublin district of the

English Army in Ireland. Even the typewriter on which it was typed was traced, and it was traced also that the typing was done by a *ginger*-haired typist in Dublin Castle. Sir, the extract read by the Home Member was never placed before a court of law and, therefore, no opportunity was given to anyone to test the genuineness or otherwise of that extract.

The Hon'ble the Home Minister said that we must rely on the evidence obtained from different sources. Sir, I place no reliance on such *ex parte* evidence and I would ask you not to rely on the *ipse dixit* of the Hon'ble the Home Minister. I would ask members to rely on an opinion which was expressed by the present Lord Chief Justice of England, Lord Hewart, in his book entitled "The New Despotism," in which he says: "Evidence not tested by cross-examination is nearly always misleading and practically valueless."

As my learned colleague, Mr. Goswami, has said—it is an utterance of the late Deshbandhu Das—it is a wonder, it is a shame that Judges would be found who were willing to adjudicate on dead and *ex parte* records. I would go further and say that it is a wonder that any lawyer with any legal training can be found who is willing to base any finding on dead and *ex parte* records.

Sir, I have only a minute more. I would therefore conclude by reading out an extract from Lord Hewart's book entitled "The New Despotism," which has application to the subject before the House. This is what he says—and you will see, Sir, that every word of his utterance applies with very great force to the subject before us:

"The old despotism, which was defeated, offered Parliament a challenge. The new despotism, which is not yet defeated, gives Parliament an anæsthetic. The strategy is different, but the goal is the same. It is to subordinate Parliament, to evade the Courts, and to render the will, or the caprice, of the Executive unfettered and supreme."

Sir, if this House accepts the policy laid down by the Hon'ble the Home Minister, I would repeat that it would be subordinating this House to the will of the Executive, it would be evading the Courts and it would be rendering the will or the caprice of the Executive unfettered and supreme. I would ask the hon'ble members to whatever race they may belong and from whatever constituency they may come not to accept the demands of arbitrary power. The exercise of arbitrary power is neither law nor justice. It is a denial of justice.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I am practically certain that the arguments, and the authorities that have been quoted by the Hon'ble the Leader of the Opposition, will be found word for word, argument for argument in the speeches of the members of the Opposition in the old Council from 1925 to 1928. Not one word of it is new, Sir. Every one of these arguments was cited and speeches were

made with equal passion before the House at that time, and Government relying on those assurances and accepting the advice of the legislature in 1929 released every detenu that was there and allowed the repressive laws to lapse. These are facts, Sir, which no one can deny, and what was the result? The result was that within 18 days of the lapsing of these repressive laws the Chittagong Armoury Raid took place. I would therefore ask the Leader of the Opposition how he could meet this——

Mr. SARAT CHANDRA BOSE: Shall I get any opportunity of meeting that, Sir?

The Hon'ble Khwaja Sir NAZIMUDDIN: From 1930 to 1934 any number of outrages took place. Twice, acting on the advice of the legislature and urged by them to adopt a bold step to show a gesture of conciliation, Government released all detenus and thought that everything would be all right in the garden, but every such release was followed by a recrudescence of terrorism, and I do not see how any responsible Government can be justified in taking such a "bold" step again, in the face of their bitter experience in the past.

I fully agree with my friend, Mr. Tamizuddin, that the responsibility is great on the people of Bengal. Full responsible Government has been entrusted to us, and if things go wrong, it is the people of Bengal who will be blamed, that they are not fit to rule. Therefore, I maintain that we have enunciated a policy which will ensure—provided we get co-operation and support and a favourable atmosphere —the release of detenus within a year or possibly within a year and a half at the utmost. We have enunciated a progressive policy, and it may be possible to effect the release of all detenus if a favourable atmosphere of co-operation is created within a year.

Mr. SANTOSH KUMAR BASU: Why not wait till the next General Elections? Are the detenus so many hostages?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government of the country has now been placed in the hands of a responsible ministry, and it is for the people's representatives to carry out the policy in accordance with their wishes. If I may say so, Sir, the policy of the present Government is definitely in advance of the policy of the old Government. The old Government never agreed to the policy of release of detenus, but the present Government is going to unconditionally release detenus. The present Government have doubled or trebled the number of the releases from the time that they have come into power. Up to now about 250 persons have been released and within another month 350 more will be released; this will bring the total altogether to 600. That, Sir, is no mean figure——

Mr. SANTOSH KUMAR BASU: No, it is an achievement worthy of the present Government!

The Hon'ble Khwaja Sir NAZIMUDDIN: I maintain, Sir, that that is not altogether a mean figure. I may also add that it will be a continuous process of release. I therefore submit that no Government in the position in which we are and in the circumstances in which we are placed, could have acted otherwise in the matter of the release of detenus.

Mr. SPEAKER: The question before the House is the substantive motion standing in the name of Rai Harendra Nath Chaudhuri (No. 24, Appendix). To this substantive motion an amendment has been moved by Khan Sahib Maulvi Syed Muhammad Afzal. Another amendment has been moved by Mr. Syed Jalaluddin Hashemy (No. 5). I shall put the first amendment, viz., that of the Khan Sahib, to the vote, but I can give this warning that if the first amendment is carried, the second one will not arise at all. After that, I will put the substantive motion to the vote.

Mr. M. SHAMSUDDIN AHMED: Sir, I would request you to put the amendment of Mr. Syed Jalaluddin Hashemy first.

Mr. SPEAKER: I have carefully considered this matter and I have given my attention for over two hours to it. I find that so far as the first amendment is concerned, it stands farthest from the motion, and that the second has greater affinity to the substantive motion. As such, a comprehensive amendment which goes against a substantive resolution should be put to the vote first, and just on the ground of greater affinity the second will be put to the vote later on, if at all. And if the first is carried, then the second amendment does not arise at all.

Mr. SANTOSH KUMAR BASU: May I just make one submission? Is it not a fact that the whole debate has centred round the question of the period of time, viz., "as early as possible" or "before the Puja holidays"? That is really the issue debated upon, and I am requesting you to consider this aspect.

Mr. SPEAKER: I have very carefully considered this matter and have given considerable attention to it. I consider that according to my reason and according to the best dictates of my conscience, the first amendment arises first, and the second does not.

The amendment of Khan Sahib Maulvi Syed Muhammad Afzal, viz., "that in the last two lines for the words 'should be immediately

released and all restrictions placed upon their liberty be forthwith removed,' the following be substituted, namely:—

'should be released and all restrictions placed upon their liberty removed as early as possible in so far as such orders may be consistent with public safety,'

was then put and a division was called.

(As there was much noise and canvassing going on when the division bell was ringing, Mr. Speaker said as follows."

Mr. SPEAKER: I may remind the members that when a division is called, it is the duty of every member to keep to his seat as much as as possible, and not create unseemly scenes which tend to make proceedings in this House impossible. I hope members will please remember this. Of course, the whips of the various groups may move about. But, I again repeat that members will not leave their seats and create scenes which it is impossible to visualize or control.

The division was then taken, with the following result:—

AYES.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz Mia, Mr.
Abdul Hakeem, Mr.
Abdul Hakim Vikrampuri, Mr. Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur.
Abul Hashim, Maulvi.
Abul Hossain, Mr. Ahmed.
Abul Quasem, Maulvi.
Aftab Hossain Joarder, Maulvi.
Ahmed Ali, Khan Sahib Maulana Kasyetpuri.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur.
Amiruddah, Maulvi.
Amir Ali, Md. Mia.
Armstrong, Mr. W. L.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Bannerman, Mr. H. G.
Barat Ali, Mr. Md.
Barman, Babu Upendra Nath.
Basu, Babu Jatindra Nath.
Biswas, Babu Lakshmi Narayan.
Brasher, Mr. F. C.
Campbell, Sir George, Kt.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Cooper, Mr. C. G.
Crossfield, Mr. L. M.
Das, Mr. Anukul Chandra.
Das, Mr. Kirit Bhusan.
Das, Mr. Muzumdar.
Edeer, Mr. Upendranath.
Farhad Raza Chowdhary, Mr. M.
Farhat Bana Khanam, Begum.
Faziul Huq, the Hon'ble Mr. A. K.
Faziul Qubdir, Khan Bahadur Maulvi.
Fazlar Rahman, Mr.
Fazlur Rahman Maktear, Mr.
Forgesen, Mr. R. N.
Giasuddin Ahmed Choudhury, Mr.
Golam Sarwar Hossini, Mr. Shah Syed.
Griffiths, Mr. C.
Gurung, Mr. Damber Singh.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Haminddin Ahmed, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur.
Hasina Murshed, Mrs.
Hatemaily Jamadar, Khan Sahib.
Haywood, Mr. Rogers.
Hendry, Mr. David.
Hirtzel, Mr. H. A. F.
Idris Ahmed Mia, Mr.

Ispahani, Mr. M. A. H.
Jalaluddin Ahmad, Khan Bahadur.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Sahib.
MacLauchlan, Mr. C. S.
Mafizuddin Ahmed, Dr.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtab, Maharajhumar Uday Chand.
Mahtabuddin Ahmed, Khan Bahadur.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Masud Ali Khan Panni, Maulvi.
Miles, Mr. C. W.
Millar, Mr. C.
Milne-Robertson, Mr. C. E. L.
Morgan, Mr. G.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Mohammad Afzal, Khan Sahib Maulvi Syed.
Mohammad Ali, Khan Bahadur.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Dr. Syed.
Muhammad Solaiman, Mr.
Mullick, the Hon'ble Mr. Muhundu Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagaswal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Sris Chandra, of Kasimbazar.
Nasarullah, Nawabzada K.
Nausher Ali, the Hon'ble Maulvi Syed.
Nazimuddin, the Hon'ble Khwaja Sir.
Nimma, Mr. T. B.
Nooruddin, Mr. K.
Patton, Mr. W. C.
Rahman, Khan Bahadur A. M. L.
Raikat, the Hon'ble Mr. Prasanna Deb.
Rajhuddin Taraftar, Maulvi.
Ross, Mr. J. B.
Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt.
Roy, Mr. Dhananjoy.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sanaullah, Al-Haj Maulana Dr.
Sarker, the Hon'ble Mr. Halini Ranjan.
Sussoon, Mr. R. M.
Sen, Rai Bahadur Jogesh Chandra.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja.
Shamsuddin Ahmed Khandhar, Mr.
Shamsul Huda, Maulana.
Singha, Baba Kshetra Nath.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, Maulvi.
Tapuraiah, Rai Bahadur Moongtu Lall.
Tofai Ahmed Choudhury Maulvi Haji.
Waliur Rahman, Maulvi.
West, Mrs. Ellen.
Wordsworth, Mr. W. C.
Yusuf Ali Chaudhury, Mr.
Zahur Ahmed Chaudhury, Mr.

NOES.

Abdul Hafiz, Khan Bahadur Syed.
Abdul Hakim, Maulvi.
Abdul Majid, Maulvi.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazal, Mr. Md.
Acharyya Choudhury, Maharaja Sashi Kunta of Muktagacha, Mymensingh.
Aftab Ali, Mr.
Asimuddin Ahmed, Mr.
Banerjee, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerjee, Mr. Sibnath.
Banerji, Mr. Satya Priya.
Bannerjee, Mr. Manoranjan.
Barma, Babu Premhari.
Barman, Babu Shyama Prasad.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakraborty, Babu Narendra Narayan.
Chakraborty, Mr. Jatindra Nath.
Chattopadhyay, Babu Haripada.
Chaudhuri, Rai Narendra Nath.
Das, Babu Matam Chandra.
Das, Babu Radhapath.
Dass, Babu Debendra Nath.
Das Bupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Bupta, Mr. Harendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra.
Dutta, Mr. Suhamar.
Dutta Bupta, Miss Mira.
Dutta Mazumdar, Mr. Hiharendu.
Emdadul Haque, Kazi.
Faroqui, Nawab Sir Mahiuddin, Kt., of Ratanpur.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gomes, Mr. S. A.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Himatsingha, Mr. Prabhudayal.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishikha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Adwaita Kumar.
Majumdar, Mrs. Nomaprova.
Mukumdar, Mr. Birendra Nath.

Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Krishna Prasad.
Maqbul Hosain, Mr.
Mookerjee, Mr. Syamaprasad.
Mukherji, Mr. Dhirendra Narayan.
Mukherjee, Mr. S.
Mukherji, Dr. H. C.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Naskar, Mr. Hem Chandra.
Pain, Mr. Baroda Prosanna.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Ray Choudhury, Mr. Birendra Kishore.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Roy, Rai Bahadur Kshirod Chandra.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Maniendra Bhusan.
Yousuf Mirza.
Zaman, Mr. A. M. A.

The Ayes being 139 and the Noes 85, the amendment was carried.

(Cries of "Shame, shame" from the Congress benches.)

Mr. SPEAKER: I would request the Leader of the Opposition to keep within the Parliamentary convention, so far as his group is concerned, that there may not be any cries of "Shame, shame" if a division goes against them, as that would amount to a reflexion upon this House as a whole. I do not think it is right of anybody in this House to question any decision of this House however unfavourable that decision may be to any member or to any group, so long as he remains a member of this House. (Cries of "Hear, hear" from the Treasury benches and and Ministerial supporters.) I also hope that the party which has got the majority on its side will also exercise restraint, for there is much virtue in restraint, and not do anything which may provoke the other side.

Mr. SPEAKER: I will now put the original resolution of Rai Harendra Nath Chaudhuri, as modified by Khan Sahib's amendment, to the vote. It will now read as follows:—

"This Assembly is of opinion that all persons who were not convicted and sentenced after open trial and have yet been detained or interned, kept in custody or otherwise placed under restraint, or suffering restrictions on their personal liberty under executive orders, whether under Regulation III of 1818, or the Bengal Criminal Law Amendment Act of 1925, or Ordinance I of 1930, or the Bengal Criminal Law Amendment Act of 1930, or the Bengal Suppression of Terrorist Outrages Act of 1932, or the Special Powers Ordinance of 1932, or the Public Security Act of 1932 should be released and all restrictions placed upon their liberty removed as early as possible in so far as such orders may be consistent with public safety."

The motion was then put and a division was called. When the division was going on, one member was found canvassing and seizing

some members by the hand to vote for his party, when Mr. Santosh Kumar Basu, calling the attention of the Speaker to what was going on said:—

Your ruling, Sir, is going to be flouted on the floor of this House.

Mr. SPEAKER: I would request members to keep to their seats, except the party whips. I think it would be impossible if members carried on their work in a way which a person, judging from outside, will use terms, which will not be at all creditable to the House. I hope members will kindly realize that, with the exception of party whips or party leaders, nobody should move about when the division bell is ringing.

(When the motion was again put after the ringing of the bell was over, a division was called. Together with the Leader of the Opposition and others Khan Bahadur Mohammed Ali, who was for the Ayes, also claimed a division.)

Mr. SPEAKER: Mr. Muhammad Ali, as you are of the Ayes opinion, you cannot call a division when I have already said that the Ayes have it. So, I am allowing a division not on your call, but on that of the other side.

(During the division, before the members had filed into the lobbies, there were again disturbances and noises due to canvassing.)

Mr. SPEAKER: Order, order. I must say that I strongly condemn the methods which have been followed by certain members of dragging others—some to the right and some to the left. As I have repeatedly said, I hope unseemly scenes should not be created on the floor of this House.

[At this stage an honourable member, Mr. Narendra Narayan Chakrabarty(?), was found dragging some members to his lobby.]

Mr. SPEAKER: Mr. Chakrabarty, I must say that you are doing an act which I have just now condemned, and I am sorry that I have to pull you up.

The division was taken with the following result:—

AYES.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Dr. Mirza.
Abdul Hafiz Mia, Mr.
Abdul Hakeem, Mr.
Abdul Hakim Vikrampuri, Mr. Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulv

Abdul Jabbar, Maulvi.
Abdul Kader, Mr.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Bahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur.
Abul Hashim, Maulvi.
Abul Hosain, Mr. Ahmed.
Abul Quasem, Maulvi.
Aftab Hossain Jaardar, Maulvi.
Ahmed Ali, Khan Sahib Maulana Enayetpuri
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Afzaluddin Ahmed, Khan Bahadur.
Amirullah, Maulvi.
Amir Ali, Md. Mia.
Armstrong, Mr. W. L.
Ashrafali, Mr. M.
Asiad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Bancrmas, Mr. H. C.
Barat Ali, Mr. Md.
Barman, Babu Upendra Nath.
Biswas, Babu Lakshmi Narayan.
Brasher, Mr. F. C.
Campbell, Sir George, Kt.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Cooper, Mr. C. S.
Crosfield, Mr. L. M.
Das, Mr. Anukul Chandra.
Das, Mr. Kirit Bhusan.
Das, Mr. Manmohan.
Edbar, Mr. Upendranath.
Farhad Baza Chowdhury, Mr. M.
Farhat Banu Khanum, Begam.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman Muhtesar, Mr.
Ferguson, Mr. R. H.
Gammeter, Mr. E. O.
Giasuddin Ahmed Choudhury, Mr.
Golam Sarwar Hosaini, Mr. Shah Syed.
Griffiths, Mr. C.
Gurung, Mr. Damber Singh.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiuddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hasanuzzaman, Maulvi Md.
Hasham Ali Khan, Khan Bahadur.
Hasina Murshed, Mrs.
Hatemally Jamadar; Khan Sahib.
Haywood, Mr. Rogers.
Hoodry, Mr. David.
Hirtzel, Mr. H. A. F.
Idris Ahmed Mia Mr.
Ispahani, Mr. M. A. H.
Jalaluddin Ahmad, Khan Bahadur.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Sahib.
MacLauchlan, Mr. C. S.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtab, Maharajkumar Uday Chand.
Maktabuddin Ahmed, Khan Bahadur.
Mandal, Mr. Sasha Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Masud Ali Khan Panni, Maulvi.
Miles, Mr. C. W.
Millar, Mr. C.
Milne-Robertson, Mr. C. E. L.
Morgan, Mr. B.
Moslem Ali Mollah, Maulvi.
Muzammel Huq, Maulvi Md.
Muhammad Afzal Khan Sahib Maulvi Syed.
Muhammad Ali, Khan Bahadur.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Dr. Syed.
Muhammad Sulaiman, Mr.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Putin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustaqawai Haque, Mr. Syed.
Mustafa Ali Dewan Sahib, Mr.
Nandy, the Hon'ble Maharaja Srie Chandra, of Kasimbazar.
Nasarullah, Nawabzada K.
Nausher Ali, the Hon'ble Maulvi Syed.
Nazimuddin, the Hon'ble Khwaja Sir.
Nimma, Mr. T. B.
Nooruddin, Mr. K.
Patton, Mr. W. C.
Rahman, Khan Bahadur A. M. L.
Raikat, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Rass, Mr. J. B.
Roy, the Hon'ble Sir Bijay Prasad Singh, Kt.
Ray, Mr. Dhananjoy.
Sadaruddin Ahmed, Mr.
Safiuddin Ahmed, Haji.
Salim, Mr. S. A.
Sarkar, the Hon'ble Mr. Nalini Ranjan
Sassoon, Mr. R. M.
Sen, Rai Bahdur Jogesh Chandra.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja.
Shamsuddin Ahmed Khandkar, Mr
Shamsul Huda, Maulana.
Singha, Babu Kshetra Nath.
Steven, Mr. J. W. H.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, Maulvi.
Tofel Ahmed Choudhury, Maulvi Haji.
Waller Rahman, Maulvi.
West, Mrs. Ellen.
Wordsworth, Mr. W. C.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Mr.

NOES.

Abdul Hafeez, Khan Bahadur Syed
Abdul Hakim, Maulvi.
Abdul Majid, Maulvi.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazal, Mr. Md.
Acharyya Choudhury, Maharaja Sashi Kanta of of Muktagacha, Mymensingh.
Aftab Ali, Mr.
Asimuddin Ahmed, Mr.
Banerjee, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerjee, Mr. Sibnath.
Banerji, Mr. Satya Priya.
Bannerjee, Mr. Manoranjan.
Barma, Babu Promhari.
Barman, Babu Shyama Prasad.
Basu, Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Sarendra Nath.
Bose, Mr. Sarat Chandra.
Chakraborty, Babu Narendra Narayan.
Chakraborty, Mr. Jatindra Nath.
Chattopadhyay, Babu Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Dass, Babu Debendra Nath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Mr. Narendra Nath.
Datta, Mr. Dhirendra Nath.
Deisi, Mr. Harendra.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Nibaranda.
Emdadul Haque, Kazi.
Farequi, Nawab Sir Mahiuddin, Kt., of Rotanpur.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gomes, Mr. S. A.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Himatsingka, Mr. Prabhudayal.
Jahiruddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kasem Ali Mirza, Sahibzada Kawan Jah Syed.
Khan, Mr. Debendra Lal.
Kumar, Mr. Atul Chandra.
Nandy, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mazumdar, Mr. Birendra Nath.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Krishna Prasad.
Maqbul Hossain, Mr.
Mookerjee, Mr. Syamaprasad.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. S.
Mukherji, Dr. N. C.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Naskar, Mr. Hem Chandra.
Pain, Mr. Sarada Prasanna.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Ray Chaudhury, Mr. Birendra Kishore.
Roy, Mr. Kamakrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Roy, Rai Bahadur Kshirod Chandra.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Maniudra Bhushan.
Yousuf Mirza.
Zaman, Mr. A. M. A.

The Ayes being 141 and the Noes 85, the motion was carried.

Adjournment.

The Assembly was then adjourned till 3-45 p.m. on Tuesday, the 10th August, 1937, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 10th August, 1937, at 3-45 p.m.

Present:

MR. SPEAKER (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, the eleven Hon'ble Ministers and 224 elected members.

STARRED QUESTIONS

(to which oral answers were given)

Percentage of the total collections in respect of certain estates.

***29. Rai HARENDRA NATH CHOUDHURY:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state what percentages of the current demands the total collections of the Government attained every year during the last five years in respect of—

(*i*) permanently-settled estates;

(*ii*) temporarily-settled estates; and

(*iii*) estates held and managed direct by Government?

MINISTER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): A statement is laid on the table.

Statement referred to in the reply to starred question No. 29, showing the percentage of the total collections on the current demand for the years 1931-32 to 1935-36.

	1935-36.	1934-35.	1933-34.	1932-33.	1931-32.
(*i*) Permanently-settled estates ..	104·66	102·64	100·4	95·67	94·73
(*ii*) Temporarily-settled estates ..	102·81	100·28	97·18	91·97	92·36
(*iii*) Government estates ..	102·07	96·94	79·97	71·38	76·63

Babu NAGENDRA NATH SEN: Were the better realizations in 1935-36 due to coercion on the part of Government officers?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir. Government repudiate any such suggestion.

Babu NAGENDRA NATH SEN: What was the difference in percentage figures of 1931-32 and 1935-36 due to?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. NIHARENDU DUTTA MAZUMDAR: Was the adoption of certificate procedure in a large number of cases in 1935-36 one of the reasons for increased collections?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Number of unemployed who committed suicide.

***30. Mr. SIBNATH BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether Government have any statistics to show—

(*i*) the number of unemployed who committed suicide during the last 3 years in Bengal; and

(*ii*) the names, addresses and educational qualifications of all those who committed suicide?

(*b*) Will the Hon'ble Minister be also pleased to state the steps proposed to be taken by Government to prevent commitment of such suicides?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) (*i*) and (*ii*) I have no information.

(*b*) Does not arise.

Mr. SIBNATH BANERJEE: What was the number of persons who committed suicide during the last three years?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have already said that I have no information.

Maulvi ABDUL BARI: What is the number of unemployed matriculates?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have no information, Sir.

Babu NAGENDRA NATH SEN: May I know whether his statement that he has no information is one that has been made in his personal capacity as Nawab Bahadur of Dacca or as a Minister?

Mr. SPEAKER: Order, order. That question does not arise. Whatever a Minister says on the floor of this House must be taken as a statement made by him as Minister and not one made by him in his personal capacity. The question of his personal knowledge cannot arise in this House.

Mr. MANMATHA NATH ROY: May I ask whether Government has any responsibility in the matter?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: No.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to enquire into the matter and obtain information and place them before the House?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am prepared to give the detailed information after enquiry from the Department concerned.

Mr. SARAT CHANDRA BOSE: Will he ask for information himself from his Department?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: If specific instances are given, I shall ask my Department to furnish information about them.

Mr. RASIK LAL BISWAS: Did the Government try to obtain information?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: We have got no information, but if, as I have already stated, specific instances are cited, we are prepared to enquire into the matter.

Mr. P. BANERJI: Is it not a fact that instances of such cases of suicide are recorded in the Police Department?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have no information.

Mr. P. BANERJI: Is it not a fact——

Mr. SPEAKER: I would tell you, Mr. Banerji, that the form of your question is not in order. You can put it in this way: Is the Hon'ble Minister aware——

Mr. P. BANERJI: Is the Hon'ble Minister aware that cases of suicide are reported in thanas, record of which is kept in a register?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have no information.

Mr. NALINAKSHA SANYAL: On a point of order, Sir. I beg to submit that the right of interpellation is an important privilege of this House. We, Members, are entitled to obtain true and correct replies to questions and not evasive replies. It is within your right, Mr. Speaker, to compel a Minister to do so or to take such steps as to make him give a correct answer.

Mr. SPEAKER: You know that it is the duty of the Minister in charge to give a reply to a question concerning his department and you know also that Parliamentary conventions both here and elsewhere is that the Speaker has absolutely no control over the answers given by the Treasury Benches. As a matter of fact the Speaker has no jurisdiction to enquire as to whether the answer given by a Minister is correct or not. It is open to the Members to take steps as proper or necessary under the Rules and Standing Orders in regard to incorrect answers. But I do not think it is within my competence to say whether an information given is correct or not, nor can I compel to answer a question, in a particular manner—of course the Minister has to give some answer. I think that has been the convention.

The Hon'ble Mr. A. K. FAZLUL HUQ: May I know whether it is proper for a Member of this House to insinuate that a Minister has given an incorrect answer?

Mr. SPEAKER: My ruling is that a Member cannot, of course, make any insinuation, but the point for consideration is whether the expression "incorrect answer" is an insinuation. Personally, I think a Member is entitled to enquire whether a statement is correct or not. I do not think that in Parliamentary practice the word "incorrect" has been taken as one in the nature of an insinuation.

The Hon'ble Mr. A. K. FAZLUL HUQ: Will not the right of interpellation be abused if questions of such frivolous nature are to be allowed?

Mr. SARAT CHANDRA BOSE: Is that observation of the Hon'ble Minister in order?

Mr. SPEAKER: He wants my ruling just as you did the other day as to whether a question is frivolous or not. So long as the Hon'ble Minister wants for a ruling from me he can refer it in that way. In this case the ruling that I gave the other day holds good.

System of supplying identifiers to the process-servers.

*31. **Maulvi MOHAMMAD ISHAQUE:** (*a*) Is the Hon'ble Minister in charge of the Judicial Department aware—

(*i*) that under the recent High Court circular stopping the practice of supplying identifiers to the process-servers by the parties concerned, the process-servers find great difficulty in serving the processes made over to them for service; and

(*ii*) that reports recently received show that cases of rough handling of the process-servers have increased?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to consider the desirability of reintroducing the system of supplying identifiers to the process-servers from the parties concerned?

MINISTER in charge of JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*)(*i*) No. Government are not aware of any such case of difficulty. Rule 77(2), Civil Rules and Orders, enables the process-servers to obtain identifiers in difficult cases.

(*ii*) Government have no information on the point.

(*b*) Does not arise.

Maulvi ABDUL BARI: Since the issue of the High Court Circular are not the Munsifs more eager to dispose of cases than to do justice?

Mr. SPEAKER: I do not know how this question can arise. The main question is of supplying identifiers to process-servers and the supplementary question has nothing to do with that. I am sorry I cannot allow this question.

Babu NAGENDRA NATH SEN: Is the Hon'ble Minister aware that in revenue and criminal cases identifiers are not necessary and that processes are executed by the process-servers on their own identification?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I have nothing more to add.

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware that if the system of supplying identifiers to the process-servers be reintroduced again the litigant public will be dragged into unnecessary harassment?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: That is a matter of opinion, Sir.

Introduction of the system of compulsory retirement of Government servants after 25 years' service.

*32. **Maulvi MOHAMMAD ISRAIL:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether Government contemplate the introduction of the system of compulsory retirement of Government servants after 25 years' service?

MINISTER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarkar): The answer is in the negative.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister for Finance be pleased to state why the introduction of that system is not in contemplation?

The Hon'ble Mr. NALINI RANJAN SARKER: Because it is not necessary to enforce it. A Government servant who has put in 23 or 24 years' service at the age of about 45 might be quite competent to continue.

Khan Sahib Maulvi S. ABDUR RAUF: Is it not the best method of retrenchment to compel a Government officer to retire after the age of 50 years?

Mr. SPEAKER: That is a matter of opinion and I cannot allow it.

Mr. JOGESH CHANDRA GUPTA: Having regard to acute unemployment and financial stringency, will not retirement, if enforced, help to solve unemployment as well as give financial relief?

The Hon'ble Mr. NALINI RANJAN SARKER: I have not yet considered that point of view.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble the Finance Minister be pleased to state whether 25 years' service qualifies a man for full pension?

The Hon'ble Mr. NALINI RANJAN SARKER: It does.

Mr. M. SHAMSUDDIN AHMED: What are the reasons for not introducing the system of compulsory retirement after 25 years?

The Hon'ble Mr. NALINI RANJAN SARKER: As I have already said a man may be quite active after 25 years' service.

Mr. P. BANERJI: Was not the system of compulsory retirement introduced about 5 years ago?

The Hon'ble Mr. NALINI RANJAN SARKER: I have no information.

Mr. M. SHAMSUDDIN AHMED: Were any statistics ever taken by Government showing how many officers are competent to continue in service after 25 years?

The Hon'ble Mr. NALINI RANJAN SARKER: Government's experience is that they are mostly competent.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble the Finance Minister be pleased to state the percentage of officers who joined Government service at the ages of 22, 23, 24 and 25 years?

The Hon'ble Mr. NALINI RANJAN SARKER: I want notice.

Mr. P. BANERJI: Is the Hon'ble Minister aware that within the last five years steps were taken to enforce compulsory retirement, and, if so, what is the reason for a departure therefrom?

The Hon'ble Mr. NALINI RANJAN SARKER: I am not aware of any such step.

Mr. ABDULLA-AL MAHMOOD: How many persons are there in Government service, in provincial as well as in subordinate services, who have put in 25 years' service?

Mr. SPEAKER: I think that is much too a comprehensive question; which does not arise out of the main question.

Mr. RASIK LAL BISWAS: Is the Government aware that compulsory retirement after 25 years will entail a substantial saving to Government?

The Hon'ble Mr. NALINI RANJAN SARKER: It may entail a good saving, but Government does not consider it a sound principle to follow just now.

Effect to the recommendations of the Mukherjee Retrenchment Committee.

*33. **Maulvi MOHAMMAD ISRAIL:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether it is under the contemplation of Government to give full effect to the recommendations of the Mukherjee Retrenchment Committee, Bengal, 1923?

The Hon'ble Mr. NALINI RANJAN SARKER: No.

Mr. SARAT CHANDRA BOSE: Has the Government any intention to give effect to the recommendations of the Mookerjee Committee?

The Hon'ble Mr. NALINI RANJAN SARKER: Some of the recommendations have already been given effect to.

Mr. SARAT CHANDRA BOSE: May I know which of the recommendations have been given effect to?

The Hon'ble Mr. NALINI RANJAN SARKER: I want notice.

Extension of service to Government officers.

*34. **Dr. H. C. MUKHERJI:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state the principle underlying the practice of giving extension of service to Government officers?

The Hon'ble Mr. NALINI RANJAN SARKER: The general principle is that extensions of service should not be granted. Exceptions are allowable only when they are necessary in the interests of the public service.

Maulvi ABDUL BARI: How many officers were given an extension of service after 25 years since 1936?

Mr. SPEAKER: That is much too a comprehensive question covering the entire Government service. Surely, you cannot expect that it is in the cognisance of the Finance Minister as to how many extensions have been given in the various departments. You must put specific questions so that Mr. Sarker may be able to answer them.

Maulvi ABDUL BARI: How many officers of the Education Department were given extensions since 1936 after 25 years of service?

The Hon'ble Mr. NALINI RANJAN SARKER: I want notice.

Khan Bahadur MOHAMMED ALI: On what principle is an extension considered necessary?

The Hon'ble Mr. NALINI RANJAN SARKER: In the interest of public service.

Mr. JOGESH CHANDRA GUPTA: Is it the Public Service Commission or is it the Government who will decide the question of granting an extension in the interest of public service?

The Hon'ble Mr. NALINI RANJAN SARKER: The question of extension is decided by the appointing authority.

Mr. M. SHAMSUDDIN AHMED: What is the meaning of "in the interest of public service"?

Mr. SPEAKER: The question of interpretation is quite a different matter and has nothing to do with supplementary questions.

Posting of local officer or Deputy Conservator of Forests in his own district.

***35. Khan Bahadur JALALUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Forests and Excise Department be pleased to state whether it has been the policy of the last Government in the Forest Department to place at the head of the Forest Administration of a division a local officer or Deputy Conservator of Forests with headquarters in his own district?

(*b*) If so, when was this policy adopted and for what reasons?

(*c*) How many such local Deputy Conservators of Forests are at present serving in their own division or district and for how long?

(*d*) Is the present Ministry considering the desirability of adhering to this policy?

MINISTER in charge of FORESTS and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikat):—

(*a*) No.

(*b*) Does not arise.

(*c*) Two, for about 1½ years each.

(*d*) Does not arise.

Appointment of scheduled castes in the Excise Department.

*38. **Babu ADWAITA KUMAR MAJI:** Will the Hon'ble Minister in charge of the Excise Department be pleased to lay on the table a statement showing—

(*i*) how many posts have been filled up in the Excise Department since the 1st January, 1932;

(*ii*) how many of them have been given to (*a*) Hindus, and (*b*) Muhammadans?

(*iii*) how many of the Hindus belong to the scheduled castes; and

(*iv*) how many of the said scheduled castes have been appointed as Inspectors, Sub-Inspectors and clerks, year by year?

The Hon'ble Mr. PRASANNA DEB RAIKAT: A statement is laid on the table.

Statement referred to in the reply to starred question No. 36.

(*i*)	..	115
(*ii*) (*a*)	...	63
(*b*)	...	50
(*iii*)	...	12
(*iv*) 1932		Nil
1933		Nil
1934	...	2 as Sub-Inspectors
1935	...	1 as Sub-Inspector and 2 as clerks.
1936	...	3 as Sub-Inspectors.
1937	...	3 as Sub-Inspectors, and 1 as clerk.

No direct recruitment was made in the cadre of Excise Superintendents or Inspectors during this period.

Maulvi ABDUL BARI: It appears from the answer that the total number of appointments made is 115, of which 63 are Hindus and 52 Muslims, who were the other people?

The Hon'ble Mr. PRASANNA DEB RAIKAT: One is an Anglo-Indian and the other a Christian.

Mr. PRAMATHA RANJAN THAKUR: What is the principle underlying the appointment of scheduled caste candidates?

The Hon'ble Mr. PRASANNA DEB RAIKAT: The principle is one of requisite qualification.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state how many Muslims have been appointed as Inspectors, sub-inspectors and clerks year by year from 1932?

The Hon'ble Mr. PRASANNA DEB RAIKAT: I want notice.

Mr. JOGESH CHANDRA GUPTA: What is the minimum standard of qualification that is insisted upon?

The Hon'ble Mr. PRASANNA DEB RAIKAT: That depends on the nature of the service to which recruitment is made.

Mr. RASIK LAL BISWAS: Will the Hon'ble Minister be pleased to state why the number of appointments from the scheduled castes has not been up to the prescribed percentage?

The Hon'ble Mr. PRASANNA DEB RAIKAT: No percentage has been fixed as yet, Sir.

Mr. RASIK LAL BISWAS: Does the Government consider the desirability of appointing a larger number of scheduled caste candidates?

The Hon'ble Mr. PRASANNA DEB RAIKAT: I cannot say off-hand, Sir.

Mr. RASIK LAL BISWAS: Will the Hon'ble Minister consider the desirability of appointing some Inspectors from the scheduled castes either directly or by promotion?

The Hon'ble Mr. PRASANNA DEB RAIKAT: Yes, provided they are properly qualified.

Mr. RASIK LAL BISWAS: Is the Hon'ble Minister aware that in his department there are several qualified scheduled caste officers who deserve promotion?

The Hon'ble Mr. PRASANNA DEB RAIKAT: I cannot say off-hand, Sir.

Short-notice question.

A member: I have given notice of a short-notice question and I should like to know when that question is going to be answered?

Mr. SPEAKER: I think it would be inconvenient if every day the Speaker is approached within the Chamber for information with regard to short-notice questions. You can take it that whenever a short-notice question is put, this Department sends it on to the Department concerned for their consent to answer it and as soon as that consent is given necessary action is taken. If the consent is not given the member concerned is also informed about it. I can tell you that we have sent your question to the Department concerned but I may warn the House that in future I shall not give any information as to what has been the fate of a short-notice question. You can enquire from the Secretary outside this Chamber. If I allow members to ascertain on the floor of the House as to the fate of such short-notice questions, there would be no end of interference with the normal business of the House entailing unnecessary waste of time.

Dr. NALINAKSHA SANYAL: On a point of personal explanation, Sir, The Hon'ble the Chief Minister started by saying something in order to evade the question, and my point is whether an Hon'ble Minister can evade knowledge when he has got that knowledge.

Mr. SPEAKER: I am afraid I must intervene at this stage. When that point arose, it was decided then and there, and I do not think there is any matter which requires a personal explanation from you. I do not think you or any member should explain your conduct unnecessarily. I am not going to allow any personal statement to be made simply because a member has been misunderstood by a Minister or by an ordinary member on a previous occasion.

GOVERNMENT BUSINESS

LEGISLATIVE BUSINESS

GOVERNMENT BILLS.

The Bengal Ministers' Emoluments Bill, 1937.

The Hon'ble Mr. NALINI RANJAN SARKER: I beg to introduce a Bill to fix the salaries and allowances of the Governor's Council of Ministers.

The Secretary then read the short title of the Bill.

Mr. PRAMATHA NATH BANERJEE: What will be the procedure now that the Bill has been introduced by the Hon'ble the Finance Minister? I see that there are a number of amendments. Your ruling on the last occasion was that the mover of each amendment will be in a position to move his amendment and make speech in defence of his amendment and the original motion and the amendments will be discussed together. I am raising this question because I gave notice of a large number of amendments which were in a consolidated form; but they have been split up. Shall I be permitted to speak on all the amendments together or shall I take them separately?

Mr. SPEAKER: If they refer to one particular clause, and there are more than one amendments whether by yourself or any other member, I propose to have all the amendments moved together and discussed together and thereafter put to vote one after the other. But if the amendments refer to different clauses, I am afraid, you cannot take them together. You can always put your views before the House when you move your motion and you will have to take the sequence so long as it appertains to a different clause. For the time being in so far as the amendments of a particular clause are concerned I think it will be convenient to the House and avoid waste of time if I allow amendments to be moved one after the other but with reference to one clause and thereafter have a general debate.

Mr. SARAT CHANDRA BOSE: On a point of information. Where there are amendments for reduction of Ministers' salary to Rs. 500 and also amendments to reduce it to Rs. 1,000, in which order will the vote be taken?

Mr. SPEAKER: If Mr. Bose will draw my attention at the time when each amendment is put, each single item can be judged on its relevancy. If he will remind me at the proper stage I will give my decision.

The Hon'ble Mr. NALINI RANJAN SARKER: I beg to move that the Bengal Ministers' Emoluments Bill, 1937, be taken into consideration.

Section 53(1) of the Government of India Act, 1935, provides that the salaries of the Ministers will have to be fixed by this Assembly and until such salaries are fixed by the Assembly, His Excellency the Governor has power to fix the salaries of the Ministers. I am taking the first opportunity to place before the House the Bengal Ministers' Emoluments Bill for their consideration.

Under the old Act the Government consisted of Executive Councillors and Ministers. The Executive Councillors used to get Rs. 64,000 a year, which sum was fixed by the Government of India Act itself, and the Ministers also used to get the same salary as the Executive Councillors unless and until it was reduced by the vote of the Council. Here under the Government of India Act, 1935, the entire emoluments of the Ministers are to be voted by this Assembly. So I have given notice of this Bill for the consideration of the members of this House. We have fixed the salary after taking all the facts into consideration.

Dr. NALINAKSHA SANYAL: Including party consideration?

Mr. SARAT CHANDRA BOSE: May I know what are the facts please?

The Hon'ble Mr. NALINI RANJAN SARKER: I am coming to the points, don't be impatient. We have taken into consideration the fact that such salary should be given to the Ministers which will be indicative of our desire of cutting down the cost of administration. We have also taken into consideration the fact that the Ministers will have to move and live in a society where money has not yet become valueless. These are the two main considerations which have prompted me to put the salaries at figures such as we have suggested in the Bill. At this stage I do not want to say more.

Dr. NALINAKSHA SANYAL: What is the salary fixed by His Excellency the Governor?

The Hon'ble Mr. NALINI RANJAN SARKER: I shall state that in my reply.

Mr. P. BANERJI: I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th September, 1937.

In doing so I am quite conscious of the fact that it is not a dilatory motion. Ministers or members on the Government side will perhaps jump up and say that this motion has been moved only for the purpose

of shelving the question. That is not the point at all. It is not a dilatory motion as will be evident from the motion before you and what I have wanted is that the Bill should be circulated only to come up on the 30th September. From the 1st October this Bill seeks to provide for the emoluments of the Ministers. I would ask the 11 Ministers, particularly the Chief Minister or the Prime Minister by whichever name he may be called, to think for a while of the good opportunity that is before them. They should think whether it is a good beginning or a bad beginning of ruling Bengal by them. This is an opportunity for them to show to the people that they really want to do good to the people and not merely shed crocodile tears for the poor peasantry of the country. His Excellency the Governor fixed the salaries at Rs. 3,000, 2,500 and 2,000. I say that this Government can be run by only two persons. Now we have so many limbs of the Government but at one time there were only 4 Executive Councillors and 3 Ministers. These 7 persons used to get Rs. 64,000 a year and whenever there was a demand in this House for the reduction of that huge salary of the Ministers the usual cry was that consistently with the dignity and prestige of the Hon'ble Ministers they could not accept anything less than that figure. I was subjected to a lot of criticism at that time because I moved a motion for fixing the salary at Rs. 500 a month. Members of Government then said that Mr. Banerji when he became the Finance Minister would certainly accept Rs. 500, and that they would like to see that day. Sir John Woodhead said that he would come all the way from England after his retirement to thank me. But look at the other provinces now. In 6 of them the Ministers have accepted Rs. 500 per month as salary. I fail to understand why in Bengal the Ministers cannot accept that sum. Bengal is a poor country and in the election manifesto the Chief Minister said that the Ministers' salary would be Rs. 1,000. That was the declaration of our present Chief Minister. Assuming for argument's sake that there was no such declaration you will find from the motions before the House that not a single member excepting perhaps Mr. Jalaluddin Hashemy has tabled a motion for an increase of the Ministers' salary. I think he is not earnest but has put that motion as a sarcastic motion; his idea may be to restore the *status quo*. The Hon'ble Mr. Fazlul Huq has taken upon himself the responsibility of ruling this province and it is fair that this new administration should be run on some principle—principle not of dividing the booty but the principle of sacrifice and service. I ask what is the necessity of bringing in such a Bill if they accept the principle of sacrifice and service. Here is a glaring instance of the change of attitude on their part. The Hon'ble Mr. Fazlul Huq declared at one time that he will not form a party with the descendants of Clive and Mirjafar. May I ask him now what led him to form an unholy alliance with those people leaving the people, who would have led Bengal on proper lines, aside. We were hopelessly disappointed particularly when this Bill was placed before us.

I shall point out that so many persons are not necessary to run the administration. There is no dearth of good men by whom this administration can be run—five would be quite sufficient. I fail to understand why as many as 11 Ministers are required. The work is not very heavy and I may say that they have very little to do. Still they say they will require one year to release the detenus. If all the papers are placed before Sir Nazi he can dispose them off within a month and a half. We are aware that he piloted the Primary Education Act and the Development Act through this Council and there can be no question of his ability. If Sir Nazi wants to live up to his reputation——

Mr. SPEAKER: May I request the hon'ble member to refer to him respectfully? Otherwise Mr. Banerji should expect to receive the same treatment as he is dealing out to the Hon'ble Minister.

Mr. P. BANERJI: Sir, I have taken note of your warning and also that from the Hon'ble Ministers. I always threw the gauntlet to the Bureaucratic Government and it is up to the Ministers to take up that gauntlet but they do not. I am not afraid of the challenge. I make bold to say that such challenges I have made in the shape of criticism of the working of the Ministers in this House including Sir Nazi——

Mr. SPEAKER: Mr. Banerji, if you again refer to him like that I will have to rule you out and ask you to sit down. I should like that a member should not address another except in a very respectful manner. You are not using the name properly and I cannot allow you to subtract from or add to the name of any member.

Mr. P. BANERJI: It was the practice in the previous House and we were allowed to say "Sir John", or "Sir B. L.".

Mr. SPEAKER: I will not allow you to question my decision. If you are not prepared to accept my ruling you will have to sit down.

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. We are not used to bad manners.

Mr. P. BANERJI: You are not the person to question it, it is for the Chair to question.

Mr. SPEAKER: The Hon'ble Minister did not refer to any particular member and Mr. Banerji should not take it upon himself. He merely said that "we are not accustomed to bad manners" without referring to any particular member.

Mr. P. BANERJI: Do you, Sir, direct that we should not take the names of other Ministers also?

Mr. SPEAKER: It is a parliamentary convention. That is why the names are not used. But in this country names are used and I am not going to disallow that. But I will not allow you to contract the name in a manner which might be taken exception to.

Mr. P. BANERJI: Sir, as I was saying, whether the Chief Minister will agree with me or not, and I have said many a time in this House, that the history of British administration in this country has been a history of broken pledges. Sir, if there has been no change on his part I should say that he must not support this Bill. He should rather stand up and support the circulation in order to gather public opinion. It has been said that in regard to this Bill public opinion is not necessary. That was the old cry of the old Government in this House because they always thought that whatever was placed before this House than was reasonable and they must pass it. I would ask the supporters of Government, particularly the representatives of the Praja-Krisak and cultivators in this country whether in the poor circumstances as they are to-day it is in the fitness of things that such a huge salary should be given or eaten up by Ministers of this country. If the Ministers would seize this opportunity and accept a lower salary that is possible for Government to pay, there would be large saving and also that would be setting a very good example. High officials of Government should set examples as has been done in Madras. In Madras, we are all aware, the Ministers have accepted a salary of Rs. 500 and have made a request to the members of the Service——

Mr. SPEAKER: Order, order. I am afraid your motion is to elicit public opinion, and I have allowed you so far to digress but I think everything has its limit. I would request you to confine your remarks to the issue, namely, that the Bill be circulated with a view to elicit public opinion and to develop your argument on that point.

Mr. P. BANERJI: Sir, what I was submitting to you is that if example of other provinces is taken we will find that that is the public view. The public of Bengal do not want that so much money will be given to the Ministers and particularly in this country and they also feel that so many Ministers are not necessary. Seven Members and Ministers used to run this administration and I admit for argument's sake that for the first time seven Ministers are sufficient. What is the necessity for four others? From the facts before us you will notice that they are dummy Ministers——

Mr. SPEAKER: May I know what relevancy has the number of Minister on the issue of eliciting public opinion. You must show as to why this House should not immediately proceed to consider this Bill and why this Bill should be circulated to elicit public opinion. The only relevant issue for the time being is why this Bill should not be considered by this House but should go for public opinion. You can develop your arguments on that basis.

Mr. P. BANERJI: If you so restrict I should say that the public opinion in this country is very much against this Bill and therefore I have brought this motion in order to elicit public opinion. If public opinion is taken you will find that public holds that so many Ministers are not necessary and so much money should not be wasted. That is the opinion outside and if the representatives of the people who have come here have to ascertain public opinion they should go out in their constituencies and hold meetings and there ascertain public opinion and then come forward in this House with their mandate and say whether the people of this country, whose representatives they are, want this Bill, whether they want this top-heavy administration or not. For that reason I was appealing to the Ministers, particularly the Prime Minister, because he declared that was his policy and that he will try to minimise and curtail the expenditure as much as possible, and I was just enquiring whether it would be fair on his part to join with other people who I consider are absolutely reactionaries. I would ask the hon'ble members of this House to cast off the shackles and support my motion.

Mr. SPEAKER: I think it would be convenient if instead of adjourning the House five minutes after it is adjourned for prayer at this stage.

The House was then adjourned for 15 minutes.

After adjournment.

Maulvi ABUL HASHIM: Sir, I rise to oppose the motion for circulation of the Bill. I consider this as one of the small matters that will come up from time to time for discussion and decision in this Assembly. If the Government Bill be passed as it is, it will make a difference of a few lakhs and I do not think that the question is so grave that so much time should be wasted over this matter by circulating this Bill for public opinion. Since Mr. Banerjee the previous speaker, referring to the Hon'ble Mr. A. K. Fazlul Huq's certain utterances made before the general election, made some remarks, I would ask for your permission, Sir, to allow me to say something in

reply in order to make our position very clear. It is true that Mr. Huq as such before his election made certain declarations and he as the head of the Proja Party put forward a certain programme before the country. It is really unfortunate that he could not come here in a majority to take charge of the Government by himself and his party. Now, Sir, as things are, he had to coalesce with some other group which did not agree exactly with his party. Now, if it is a sin to form a coalition Mr. Huq is a great sinner. But this must be known to all of you here that Mr. Huq as he now is the Prime Minister of Bengal, is supported by this side of the House and is therefore bound to follow the advice of his supporters. If he sometimes makes some compromise with his party it is not because he goes back on his own words but as a faithful leader of the party carries out the wishes of his party. So it is not always desirable that his past speeches should be cited to criticise the action of the Government.

Now, Sir, I do not like to discuss the Government Bill on its merits. Just to show that this Bill is not of such a great importance that it should be circulated. I should like to make a few observations in this connection. It is said that by accepting lower salaries the Ministers ought to show some gesture of sympathy. It is again said that as this party or that party has accepted Rs. 500—why should not the Bengal Ministers follow the example. Sir, I do not think that these are matters which should be taken into consideration, while deciding what should be the pay of the Ministers. The only test ought to be whether by giving more pay or less pay to the Ministers we shall be serving the best interests of the country. There was a time when the membership of the legislatures used to be the monopoly of Nawabs and Maharajas who could afford to spend as much time and money as was necessary in this affair. But, Sir, since the legislatures have been enlarged, the real representatives of the people have been able to come here and the situation has been altered. We desire that the members of the Assembly should always look to the interests of the masses. In order that the members of the legislatures may always look to the interests of the masses, the interests of the different gentlemen representing the different constituencies must necessarily be just the same as the interests of the masses. If there be any conflict of interests between their representatives and the voters, then I do not think that the representatives will really be able to carry out the wishes of the voters. It will be to the interests of the voters themselves and the people of Bengal if there be an atmosphere in which the real representatives can come and do their work independently. As everyone knows—those whose have fought the election know—one has to spend a considerable amount of money from Rs. 1,000 even up to Rs. 10,000 for fighting elections. I would ask this House whether a man who is in a position to spend so much

money for his election is really belonging to the cultivator class or is really belonging to the class of people who are known as the rich. If one has to spend so much money and has to work without taking any money from Government, he must be a very rich man, and in that case it is no use saying that because he is a rich man his interests are quite different from those of the poorer people and he cannot work for the poor. Now, Sir, without casting any reflection, I may say that if Mr. Nalini Ranjan Sarker be asked to accept a small sum or even to pay a certain amount to some institution from out of his own money he will be willing to work because he is fortunately circumstanced. But everyone is not placed in that position. We must create such an atmosphere where the real representatives of the people can come and work. Now, Sir, it is a fact and no one can deny it that in the present order of things a member of the legislature, not to speak of a Minister, has to spend a large amount of money for maintaining his position. Therefore, it is desirable that we should keep them economically independent, so that they may not look forward for small favours that Government may from time to time give them. Now it has been said with regard to this Cabinet that it is formed mostly of Nawabs, Knights and Maharajas. I admit that it is so. It is so, because we have not been able yet to create that atmosphere where ordinary men, who are not so circumstanced as the Nawabs may be in a position to come forward and take charge of the administration. If we really want that in the Cabinet and in this Assembly there should be only people's representatives who will be independent and carefree, we must see that they are given such salaries and allowances as are necessary for maintaining their prestige and position. Sir, one question may arise. Is it necessary for the sake of keeping one's prestige to spend so much money. In reply to this I should like to say that if in this country no one did ride motor cars and no one did live in decent houses, then the question would have been quite different. But if you take the hard realities of life——.

Mr. JOGESH CHANDRA GUPTA: May I rise, Sir, on a point of order? If my hon'ble friend is speaking in opposition to the motion for circulation, then the question about the sufficiency or otherwise of the salaries does not arise.

Mr. SPEAKER: I quite agree with Mr. Gupta that the question about the merits of the salaries does not strictly arise, but I have been watching the speaker. He wants to make out that the Bill should not be circulated for public opinion and I am not anticipating what he would like to say. I hope, however, that Mr. Hashim will confine his arguments to the relevancy of the issue before us.

Maulvi ABUL HASHIM: I have already said that I did not wish to say these things in discussing the merits of the Bill. But I should like to impress on this House that this Bill is one of the ordinary things that will come up from time to time for discussion, and just to elaborate my arguments I put forward the above arguments, but I did so not exactly for the purpose of discussing the merits of the Bill which will soon come up for discussion before the House. These will be coming before this House, Bills and resolutions and other matters of much greater importance and we do not think that we shall be in a position to send all these matters for circulation. For example I may refer to the Bengal Tenancy Act Amendment Bill, which we expect to come up before us very soon. For these reasons I oppose the circulation motion moved by my friend, Mr. P. Banerjee.

Mr. SYED JALALUDDIN HASHEMY: I rise to oppose the motion moved by my comrade Mr. P. Banerjee. He has moved for the circulation of the Bill for eliciting public opinion thereon. To me it is not only unreasonable but it is unnecessary. Only the other day there was a general election. So far as I remember there were different party manifestoes which made it very clear, absolutely clear, with regard to their attitude towards the cost of administration. Most of the parties in this House definitely stated in their respective manifestoes that the cost of the administration must be reduced. They also suggested that the high salaries of officials should be reduced. The party to which I have the honour to belong—namely, the Proja Party—gave a very clear and unanimous opinion that the salaries of the Ministers should be fixed at a certain figure. Comrade Banerjee while speaking in connection with this motion, I believe, went through the List of Business with one eye shut. Sir, possibly he referred to amendment No. 8. Sir, had he gone a little below that page, namely, to items Nos. 10, 11, and 15, he would have seen that I had put in an amendment for Rs. 1,000 as Minister's salary, and that my amendment (No. 8) suggesting Rs. 5,533-5-3 was by way of a huge joke. I presume my friend, comrade Banerjee, has not got the sense of humour to understand the meaning of my amendment No 8. We are deciding this matter here and to-day and not to-morrow, because to-morrow may not come to us. Besides it is such a small matter that I must oppose the circulation of the Bill for eliciting public opinion.

Kazi EMDADUL HAQUE: Mr. Speaker, Sir, when we used to take our seats here as members of the old Legislative Council I had rarely any occasion to oppose Mr. Banerjee. But to-day, Sir, quite unfortunately I find myself in opposition to his motion for eliciting public opinion. I do not understand what good will come out of the circulation motion. This Assembly is sufficiently representative in character. There are numerous political parties here—the Congress

Party, the League Party, and the Krishak-Proja Party, and other minority parties. They are sufficiently representative in character, and their opinion is the opinion of the whole of Bengal. So we have to decide the matter here and now, and should not wait till the 30th of September. We know the burden will fall on the shoulders of poor tenants; so we must see that only a moderate sum be allowed as Ministers' salary, having regard to the condition of the inhabitants of this country. There are numerous motions proposing amounts varying from Rs. 5,000 and odd to Rs. 500. Sir, why not concentrate our energy on any one of these motions? If you want to give the Ministers a very moderate sum, stick to Rs. 500 per mensem. Let us see if we can carry that motion. There are also other modest motions, and we may take them up. In any case, there is no need to wait any longer. Besides, this is a question which has always been present, in the minds of the people outside, and we know the minds of the people and also what salary they would propose for the Ministers. The present Ministers, again, in their election campaigns made it sufficiently clear that they would be quite satisfied with a moderate salary. (The Hon'ble Mr. H. S. SUHRAWARDY: No, no; never.) The members of the Krishak-Proja Party—every one of them—have all along declared that whatever proposals came from the Krishak Proja Party, they would vote for them. (The Hon'ble Mr. H. S. SUHRAWARDY: No, never.) Yes, you Mr. Suhrawardy also said the same thing during your election campaign. (The Hon'ble Mr. H. S. SUHRAWARDY: Oh!).

Mr. SPEAKER: I would request the Hon'ble Mr. Suhrawardy to help me to see that order is kept in this House. (Cheers from the Congress benches.)

Kazi EMDADUL HAQUE: I am afraid Mr. Suhrawardy has not yet forgotten his boyish pranks. If he challenges my statement, I am quite prepared to take up his challenge. But I can also throw down a challenge to him. I am a member of the Krishak-Proja Party. We drew up a programme, and that programme was sanctioned by Mr. A. K. Fazlul Huq, who is the Leader of the House to-day. I might add that my friend Mr. Suhrawardy also agreed to it, as also other Muslim Leaguers. He also made the same promises. (The Hon'ble Mr. H. S. SUHRAWARDY: No, no.) You also made promises but you have now forgotten them. Mr. Suhrawardy now shrinks from fulfilling his own promises and he wants to retract them. We the members of the Krishak-Proja Party at least drew up our programme, and it was fully discussed and approved, after much fighting in our Proja Party office. And this programme had also the approval of the Hon'ble the Chief Minister, and he himself made it sufficiently clear to his constituency that his soul would know no peace until and unless he could bring *dal* and *bhat* to the doors of the poor. But the manner in which he is going

to solve the problem is by taking as much money as possible by way of salary! The Proja Party, Sir, condemn this policy, and think that the members of the Cabinet themselves should show the way how to minimise the cost of administration and the services by taking as low a salary as possible.

Mr. ABDULLA-AL MAHMOOD: On a point of information, Sir. Is the honourable member discussing the original Bill or the amendment?

Kazi EMDADUL HAQUE: If you do not follow, I cannot help you my friend. However, Sir, my appeal to you now is that the Ministers would consider it thrice that the burden which they are going to throw upon the poor peasants by taking large salaries be not such as they cannot bear. With these few words, Sir, I oppose the motion for circulation.

Mr. P. BANERJI: Sir, may I, with the leave of the House, withdraw the motion?

The motion for circulation was then by leave of the House withdrawn.

Clause 1.

The motion that clause 1 stands part of the Bill was then put and agreed to.

Clause 2.

Mr. SPEAKER: Clause 2 is now open for discussion. I might say at this stage that I propose, so far as clause 2 is concerned, to request all the members who have given notices of amendments to move their amendments one after another, and thereafter we shall have debate on the entire clause and amendments.

Mr. J. W. CHIPPENDALE: May I ask one question, Sir? Is it your intention to take up consideration of sub-clauses (*a*) and (*b*) of clause 2 separately or together?

Mr. SPEAKER: That is a matter which I will decide later on. Before I request Mr. Pain to move the next motion, there is one matter which I would earnestly request honourable members to remember. I have frequently noticed that whenever a member is speaking other members generally cross between the Speaker and the member speaking. I believe it is not generally known that it is against Parliamentary usage and practice for any member to cross between the Speaker and the

member who is addressing the House, because that really interrupts the attention which the Speaker is to give to that particular member. I have seen this in the different sections of the House but I thought that the practice would stop of itself. The number of such crossings however is increasing, so much so, that I think it my duty to draw the attention of every member to it and I would ask them to see that when a member is speaking none should cross between the Speaker and the member who is speaking. In this connexion I should like to state another matter and that is that I have seen frequently members leave at such irregular intervals that it is sometimes difficult for me to keep pace with the debate. I would request that members, when leaving the Chamber, will please do so without any noise.

Mr. SHAH ABDUR RAUF: May I rise on a point of information, Sir? May I know what has become of amendment of No. 2, standing in the name of Mr. Rasik Lal Biswas?

Mr. SPEAKER: He has not moved it. Were you asleep at the time?

Mr. BARADA PROSANNA PAIN: Sir, I have been advised by my friends that the amendment standing in my name is a very intriguing and dangerous amendment to move, and, therefore I do not move it.

Mr. PRAMATHA NATH BANERJEE: On a point of order, Sir. Mr. Abdul Aziz's amendment relates to the fixation of Ministers' salaries to Rs. 1,000 per mensem. If you would look at page 3 of the agenda, i.e., to items Nos. 16 and 17, you will find that it is proposed to move that in clause 2(*b*), in lines 1 and 2, the words "two thousand" be omitted. The effect of that is that the Ministers' salaries would be fixed at Rs. 500 per mensem for each. Now, the point which I am raising for your ruling is that, if this motion is taken up now, amendments Nos. 16 and 17, automatically drop out.

Mr. SPEAKER: As regards that, I have already ruled that I propose that all amendments relating to clause 2 of the Bill should be before the House, and that every member having an amendment in his name would be entitled to move it in the order in which it has been tabled. Thereafter, it will be open to the Speaker to see how one motion cuts against another, and then to decide the matter. For the time being, however, this question does not arise. I call upon Maulana Md. Abdul Aziz to move his amendment.

Maulana Md. ABDUL AZIZ: Sir, it will be moved by my friend Md. Abul Fazl, and I do not, therefore, move it.

Mr. Md. ABUL FAZL: Sir, I beg to move that for sub-clauses (*a*) and (*b*) of clause 2 the following be substituted, namely,—

"to each of the Ministers at the rate of one thousand rupees per mensem."

The object of my amendment is to fix the pay of the Ministers at at Rs. 1,000 per mensem. Sir, Bengal is a poor country, and a poverty-stricken country like Bengal cannot afford to pay Ministers more than Rs. 1,000 per mensem, for in that case it would look like taking a dividend out of ill-paid workers. People think, Sir, that the charm of office lies in the salary; the more the salary a man gets, the higher he stands in the estimation of the people. But we know, Sir, that the social and cultural value of a poor scientist or a teacher is much more than that of those who draw big salaries, or the emoluments of rich people. So, salaries should be reduced to a reasonable figure, and by reducing the salaries we may give the poverty-stricken people something substantial to live upon.

Mr. PRAMATHA NATH BANERJEE: Sir, may I take up all the amendments together because they are inter-connected or shall I take No. 7 first?

Mr. SPEAKER: So far as amendments on this section are concerned, if your amendments are more than one you can take them together; but I do not think you can take up any item on another clause. You may refer, however, to the clear connection of your amendment with other clauses which will be open to discussion later on.

Mr. PRAMATHA NATH BANERJEE: Sir, with your leave may I move all the amendments with regard to clause 2 together.

Mr. SPEAKER: Yes, you can move amendments 7, 12 and 16.

Mr. PRAMATHA NATH BANERJEE: I beg to move that sub-clause (*a*) of clause 2 be omitted.

Clause 2 (*a*) says "to the Chief Minister at the rate of three thousand rupees per mensem."

I beg to move that in sub-clause (*b*) of clause 2 in line 1, the word "other" be omitted.

Sub-clause (*b*) is to the effect "to each of the other Ministers at the rate of two thousand five hundred rupees per mensem".

I beg to move that in clause 2 (*b*), in lines 1 and 2, the words "two thousand" be omitted.

The net result of the amendments which I move are, firstly, that the amendments do not make any distinction between the Chief Minister and the other Ministers; secondly, that the amendments, if carried, would not allow Rs. 3,000 per mensem to the Chief Minister, and thirdly, that the amendment, if carried, would not permit a salary of Rs. 2,500 to the other Ministers, but that each of the Ministers will get a salary of Rs. 500 per mensem in addition to whatever allowance they are sanctioned by the House.

Mr. BARADA PROSANNA PAIN: On a point of order, Sir. While these amendments are being moved, is it right for the Chief Minister to move about from bench to bench and distract attention?

Mr. SPEAKER: I do not think that I can stop anybody in the House from going from bench to bench, though I shall see that he does it in such a way as not to attract much notice.

Mr. PRAMATHA NATH BANERJEE: I do not for one moment challenge the leadership which the Hon'ble the Finance Minister has claimed for the Ministry to-night. I did not join issue with him on the last occasion when he acclaimed the Cabinet as a popular Ministry and I will not challenge to-night his leadership of the Ministry whether the leadership is intellectual, physical, moral or even fiscal. Therefore the point at issue with which I am concerned for the present is the question of the status of the Chief Minister, the question of his salary and the question of the salaries of ten of the Chief Minister's colleagues. I see no reason why the present Chief Minister should find a statutory expression in a Bill passed by this Legislature. It may not be unknown to the Finance Minister that the expression "Prime Minister" in England has obtained no statutory form. As a matter of fact, there are Prime Ministers in the various provinces of Dominions and in the Dominions themselves but none of the Dominions has given a statutory form to the expression "Prime Minister" or "Premier" or "Chief Minister". Only in the somewhat novel constitution of the Irish Free State do we come across the expression "President of the Executive Council", I know that the Chief Minister in any country in the world is in the words of Gladstone, "the key-stone of the Cabinet arch". I know the Chief Minister of Bengal to-day—is certainly a bridge of sighs between appointment on the one hand and disappointment and the dim dungeon of oblivion on the other. I am raising the constitutional issue because I do not find in my studies of the constitutions of the various countries included within the British Empire the expression "Prime Minister" receiving statutory recognition.

The next proposal which I make is that the salary of the Chief Minister should not be Rs. 3,000. I make the proposal on two grounds.

First of all in the provinces where the Congress Party is in a majority no such distinction has been made. The Chief Minister is after all *inter pares*—chief amongst equals. The salary of the Chief Minister has been put on the same footing as the salary of his other colleagues. The second point that I raise to-day is about the salary of the Chief Ministers as proposed in the Bill—the question of payment of Rs. 3,000. That question I shall consider along with the question of salary to be paid to his colleagues. I shall maintain that these are extravagant figures. I heard just now the Hon'ble Finance Minister telling us that after a due consideration of all the facts and circumstances of the case the Ministry has come to the conclusion that the salaries of the Ministers themselves should be Rs. 2,500 *plus* allowance and the salary of the Chief Minister Rs. 3,000 *plus* allowance. I am in the habit of reading very carefully the speeches of my honourable friends on the Treasury Benches. I read them with profit, and sometimes with pleasure. The other night I was reading a speech of the Finance Minister in the Council that is dead in which an eloquent tribute was paid by him to the doctrine of self-determination. The Finance Minister was at that time a member of the opposition and at that stage he was not prepared to work the constitution unless self-determination was given to India. Self-determination according to him has now come and indeed it has come with a vengeance! Shades of Woodrow Wilson must have hovered round his grave to-night! What tangible evidence of the application of the principle of self-determination! I shall be only repeating the arguments which have been reverberating from one end of the country to the other when I say that the salaries proposed for the members of the Cabinet are extravagant. May I give the Hon'ble the Finance Minister who is very good at figures just a few figures to show the great poverty of India and the great injustice that this Bill attempts to perpetrate on her?

In Japan the revenue is 217½ crores and the income per capita per year is Rs. 186; the number of Ministers is 13; the salary of the Prime Minister is Rs. 1,500; the salary of the other Ministers is Rs. 1,000. In provinces in Canada where the revenue is about 100 crores of rupees, the salary of the Prime Minister no where exceeds Rs. 2,250. In the Irish Free State where the revenue comes up to about 48 crores the President —the redoutable Mr. De Valera—for the present gets a salary of Rs. 1,600 and his other colleagues are content with Rs. 1,275. Let us now for one moment consider the financial position of India as a whole and what place India occupies in the rung of fiscal ladder. The income per capita according to liberal estimate in India is £5 per year. The income per capita in Great Britain is £76 per year, in Australia £98; in the United States of America £91: and even in Egypt it is £21 and

in Japan £14. On a consideration of all these figures does it lie in the mouth of the Chief Minister and his colleagues to say that they will not be satisfied with a salary of less than Rs. 3,000 for the Chief and Rs. 2,500 for his colleagues *plus* allowance in both the cases? In pursuance of the provisions of the Government of India Act the representative of the Crown in this province made certain allowances on account of the salaries of the members of the Cabinet and if I am not very much mistaken, the Chief Minister has been getting a salary less than what has been proposed in this Bill and the other Ministers have divided into two classes, one set getting Rs. 2,500 and another set getting Rs. 2,000 a month. That arrangement came into force on the 1st April, 1937. The Council of Ministers struck the bargain and accepted appointment on those terms. What has happened in the interim that not only the number which was in existence on the 31st March should be increased to 11 (it is a sporting number), but that the salaries and allowances must also be increased? With the surplus with which the Finance Minister regaled us the other night, are we now to reap the first fruits of that victorious surplus in increasing the salaries of the Hon'ble Ministers? I heard my friend Mr. Hashemy say just now that after all a few lakhs in this country does not matter. I hope and trust that with the passage of years not only will knowledge come to Mr. Hashemy but wisdom "now lingering in the shore" will also come to him. It is not a question of a few lakhs that is the issue before the House but either to-night or to-morrow or the day after we shall have to consider Bills which will impose considerable financial obligations which the slender resources of this province will find it impossible to liquidate.

Last of all, may I remind the Chief Minister about the written pledge which he gave to the Praja Party of which he is the accredited leader and to his electorate that no office of profit or trust under the Crown was to be valued at more than Rs. 1,000 a month? We all know the distinction between the Log Cabin and the White House. Is not the difference between 1,000 and 3,500 greater than that? And after all, all this is being demanded on the doctrine of self-determination; self-determination and political leadership indeed! Sir, we finished our general discussion in the budget. The beneficent nation-building departments have been starved, and strangulated and shall I take it from the Hon'ble the Chief Minister with all the weight of his authority and dual personality about which he spoke the other night that this expenditure is also an item of expenditure in an additional beneficent department of the State? I pause for a reply. Sir, last night the Hon'ble the Chief Minister used an expression which has been prohibited in the British House of Commons. He called a statement of a member of this side of the House an absolute lie.

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not think I did that.

Mr. PRAMATHA NATH BANERJEE: You will be good enough to look at the official report and you may possibly find, Sir, that my recollection serves me right.

Mr. Speaker, Sir, I shall pause for a reply from the Hon'ble the Chief Minister who has a dual personality, as he assured us last night, personality as the leader of the Proja Party—one of the great parties in Bengal and a personality as the Chief Minister of the province. (Ironical cheers from Hon'ble Mr. Suhrawardy.) I hear ironical greetings from my friend Hon'ble Mr. Suhrawardy. I have been accustomed to such greetings for such a length of time that I welcome such greetings with the highest respect.

Sir, I have brought my arguments to a close. Let the Hon'ble Finance Minister and his colleagues cast a look round—let them pause over the poverty, the illiteracy of the masses in this province, let them consider the future, let them cast a longing lingering look behind at the masses from whose moorings they have cut themselves adrift. Let them consider for a moment that this cut I propose on behalf of the Congress Party in India is the symbol of a new orientation of policy, it is the symbol of a new ideology. That orientation of policy and that ideology, Sir, may be the accepted creed of the nation to-morrow. Sir, let the Hon'ble the Finance Minister and his colleagues pause and consider not in the deep midnight of their minds but in the glaring light of the day. Let them consider for a moment the position in which they are not only placing the Ministry but the country in general. I will not repeat, Sir, what the Hon'ble Ministers elsewhere have done. I was told that they might have done it in far off Scotland but not in the highway towards London. The net results, therefore, of my amendments are, first, that the Hon'ble the Chief Minister will get a sum of Rs. 500 per month along with his ten colleagues. Therefore, Sir, the Ministry will consume a sum of Rs. 5,500 per month, nearly the figure approximating the salary of one of those Members of the old service which was described by a person, whose memory I am confident, the Hon'ble Minister for Labour holds very dear, as a "white elephant." Let this be the motto of the new Ministry that they will dedicate their lives to the service of the nation. Let this be the motto of the Hon'ble the Finance Minister that the finances of a country cannot on the pretence of self-determination be frittered away.

Maulvi RAJIBUDDIN TARAFDAR: Sir, I beg to move that in clause 2 (*a*) in lines 1 and 2, for the words "three thousand," the words "two thousand and five hundred" be substituted.

The member spoke in Bengali in support of his motion.

Mr. SPEAKER: I would request Mr. Tarafdar not to discuss the issue on the ground of personal expenses of any member. If he does that, it will be open to serious objection. I think Mr. Tarafdar will keep within the bounds of Parliamentary practice.

Mr. P. BANERJI: Sir, I beg to move that in clause 2(*a*) in lines 1 and 2, for the words "three thousand rupees" the words "one thousand rupees" be substituted.

Sir, I beg also to move that in clause 2 (*b*) in lines 1 and 2, the words "two thousand" be omitted.

Sir, after the eloquent speech delivered by Mr. Pramatha Nath Banerjee in moving his motion, it is needless for me to speak much on this point. Mr. Rajibuddin Tarafdar need not be very much impatient, as we have not the slightest idea of decrying the Chief Minister in the eyes of the people and for that reason I have suggested, in order to enable him to keep up his prestige and dignity, an increment of Rs. 500 over the salary to be paid to the other Ministers. I consider that there should be some such provision for the simple reason that the Chief Minister is placed in that position. The history of the Prime Minister in different parts of the world is that the Prime Minister has always worked from the point of view of service and sacrifice. As I pointed out in the earlier part of the debate, the Ministers in other independent countries have always served the country from the highest principle of service and sacrifice. We expect this also from our Ministers here. But we have been hopelessly disappointed. We know and the Prime Minister also knows—that in England and other countries, as has been pointed out by Mr. Banerjee, the salaries paid to the Ministers are very low. Even in England, if the income of that country be compared with that of ours, we find that probably the salary of the Prime Minister is very low. This, I submit, should be the motto of our Ministers and they should, of their own accord, accept a smaller salary. Now, Sir, as that has not been suggested, it has been our duty to bring forward such a motion. Now, it has been contended that it will not be possible for the Ministers to keep up their prestige and dignity. May I know the reasons why? Is it because that the Ministers by the mere touch of the Government wand get themselves turned into a miraculous position? We have noticed always that whenever members of the legislature become a member of the Government they become entitled to certain salaries. But they should not at the same time forget that they are serving a very poor country. But I find that on the floor of the House it has been contended that these Ministers should be paid according to their market quotation. That is what is necessary to keep them in body and soul together. I

think in this country where the poor people are dying from starvation their representatives, *i.e.*, the Ministers, should not be trotting about on fat pay. Do you not think that it is a crying shame on the part of these Ministers that they will not come forward to serve this country from the point of view of service and sacrifice? It seems that they are only out to get all the spoils.

As to my other motion in which I have suggested that the words "Rs. 2,000" be omitted, its effect is to give Rs. 500 as the salary of the Ministers. Sir, if the Ministers of other provinces have accepted a salary of Rs. 500, I fail to understand why the Ministers here should not accept that salary. I have suggested this curtailment from the pure and simple economic point of view. I would challenge any member to state what is the ground behind it. What reasonable ground can there be for giving these Ministers more than Rs. 500?

Mr. SPEAKER: You cannot challenge but you may have your say.

Mr. P. BANERJI: Just as you please, Sir, Mr. Rajibuddin Tarafdar stood up to say that the Ministers should be paid more. I fail to understand the reason why they are entitled to a higher salary. I would now point out that the hon'ble mover of this Bill declared that he was prepared to accept a salary of even Rs. 500. I do not know whether he will make handsome contribution of Rs. 2,000 to some nation-building departments or propaganda work. But I would ask him to stick to his utterances and to accept my suggestion.

Mr. SYED JALALUDDIN HASHEMY: Sir, may I be permitted to withdraw item 13 and move numbers 11 and 15 together?

Mr. SPEAKER: No. 11 has already been moved and you will have to wait your turn to move No. 13.

Maulvi RAJIBUDDIN TARAFDAR: Sir, I beg to move that in clause 2 (*b*), in lines 1 and 2, for the words "two thousand five hundred rupees", the words "two thousand rupees" be substituted.

(Maulvi Rajibuddin Tarafdar spoke in Bengali on his motion No. 14.)

(While the member was suggesting that the pay of the Ministers should be fixed with reference to their personal expenses—).

Mr. SPEAKER: Order, order. I would request Mr. Tarafdar not to discuss the issue on the ground of personal expenses of any member.

If he does that it will be open to serious objection. I think Mr. Tarafdar will keep within the bounds of parliamentary practice.

(At one stage the speaker referred to his opinion that a very small salary was proposed only in order to break the present ministry and to show their want of confidence in them.)

Mr. M. SHAMSUDDIN AHMED: May I enquire, Sir, how the question of confidence or non-confidence can arise out of this motion?

Mr. SPEAKER: I have been listening to the Speaker but he does not seem to have gone beyond his limits. He is perhaps developing his point with a view to show, so far as the question of salary is concerned, what the intentions of the cultivators are, as certain speakers have said that the people demand this and that. If the member gives that picture, I cannot surely stop him.

(At another stage of his speech Maulvi Rajibuddin Tarafdar referred to the fact that "Baro" (12) *bhoots* (ghosts)" meaning thereby—anybody and everybody, all and sundry, were taking away the money of Bengal and of India.)

Mr. M. SHAMSUDDIN AHMED: Why not thirteen "bhoots" so that he himself may be one of them?

Mr. SPEAKER: Mr. Shamsuddin need not worry because the speaker has not fully described them!

Mr. M. SHAMSUDDIN AHMED: He was searching for some one else, Sir.

(Maulvi Rajibuddin Tarafdar finished his speech.)

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, I beg to move that in clause 2 (*b*), in lines 1 and 2, for the words "two thousand five hundred rupees" the words "one thousand rupees" be substituted.

In moving this amendment, I cannot resist the temptation of reviewing, by way of a passing reference, the memorable speech delivered by Maulvi Rajibuddin Tarafdar, the great *proja-bandhu* of Bengal, nay, also the *proja-bandhu* of Assam. The argument he has brought forward in support of his motion is amongst others that to reduce the salary of Ministers is to break the Ministry. In the course of his speech he also said that to give the Ministers only Rs. 1,000 per month each would be parctically not to ask them to work as Ministers. His arguments, if I may be permitted to say so, are not only childish, but silly and stupid.

Mr. SPEAKER: Order, order. Mr. Hashemy, you must withdraw your last expression.

Mr. Syed JALALUDDIN HASHEMY: In obedience to your order, Sir, I withdraw the word "stupid," but it is quite parliamentary, Sir, I submit——

Mr. SPEAKER: Order, order. You cannot question when I have given a decision. If you have anything to say, you can see me in my chamber; nor can your apology be of a nature which detracts from the true spirit of an apology.

Mr. SYED JALALUDDIN HASHEMY: I withdraw it. Maulvi Rajibuddin Tarafdar made a reference to the Bogra Krishak Conference in the course of his speech. Sir, I, too, had the honour of being invited by him to that Conference. Among many other things, I was told by him that he never took his tea, *chota hazri*, lunch, or dinner, unless he was satisfied that the tenants—the *projas*—of Bogra had also taken their usual tea, lunch, and dinner. To-day, of all days, however, I find a different picture in him. He is advocating the cause of big salaries for Ministers, and amongst other things he has quoted the salaries drawn by Ministers in the Punjab, but I do not know, Sir, how and why he has chosen to forget the salaries drawn by Ministers in Madras, Bombay, the United Provinces, and other provinces. Sir, Maulvi Rajibuddin Tarafdar had so long loudly declared at several conferences convened by him, and I hope the Hon'ble Finance Minister will bear me out, that the cost of administration must be reduced to an extent by which the *projas* of Bengal will be benefited in regard to their health, education, and other things. But, Sir, what is his achievement to-day? I can tell you, Sir, the reason why he is echoing his master's voice to-day. If I am permitted to say, Sir, I would say that Maulvi Rajibuddin Tarafdar is a candidate for nomination to the District Board of Bogra!

Mr. SPEAKER: Order, order. Mr. Hashemy, may I remind you and other members as well that it is not permissible to any member to attribute motives to a brother member and I hope you will not do so? This is the second time that I have had to call you to order. I am very sorry but I must tell you that attributing of motives begins and ends in such disorder that if everybody began to do so it would be almost impossible to carry on the business of the House. So, in the interest of harmony and peace of this House I hope you will no longer do so but withdraw the expression.

Mr. SYED JALALUDDIN HASHEMY: I bow down to the decision of the Chair, Sir.

If I am permitted to say, Sir, Maulvi Rajibuddin Tarafdar has also ascribed motives——

Mr. SPEAKER: I do not remember to have heard anything of the kind in his speech. He spoke very softly, it is true, and if I may have missed some of his utterances, why did you not draw my attention to them at the time. You, on the other hand, are speaking in a tone which we can sufficiently catch and you have been correctly heard; so, I must ask you to withdraw the expression.

Mr. SYED JALALUDDIN HASHEMY: I have already withdrawn the expression, Sir.

Maulvi Rajibuddin Tarafdar suggested that there are people who are bent upon breaking the Ministry under some disguise. Sir, I take strong exception to these remarks of his. The question here is simply the fixation of Ministers' salary. I have no option in the matter; no choice in the matter but I must follow the mandate of my party. The mandate is here and I must follow it. It is no business of Maulvi Rajibuddin Tarafdar or any member of the House to suggest that we have decided to do these things, that is, to fix their salary at a lower figure because we want to destroy the ministry, the ministry formed by the Hon'ble Mr. A. K. Fazlul Huq as the Premier of Bengal. Sir, may I say that it was under the inspiration of the Hon'ble Chief Minister that the Krishak-Proja Party has gone so far as to suggest that the salaries of the Ministers should be Rs 1,000 plus Rs. 500 to every Minister and plus Rs 1,000 to the Prime Minister by way of sumptuary allowance? We got this inspiration from whom? We got this inspiration from him, Sir,; from the Hon'ble Mr. A. K. Fazlul Huq.

The Hon'ble Mr. A. K. FAZLUL HUQ: It is absolutely incorrect to say that, I ever gave any such inspiration.

Mr. SYED JALALUDDIN HASHEMY: May I submit, Sir, very respectfully through you to the Hon'ble Mr. Fazlul Huq at this fag end of his life when he has earned much already, when he has spent much already, and when he has given to the poor much already, at this fag end of his life as the Premier of Bengal—may I submit to him that he will be good enough to show an example to his colleagues as well as to his countrymen, both Hindus and Muhammadans that he is really after the *dal* and *bhat* of the Projas? *Dal* and *bhat* are his words and they appeared in the manifesto issued by the Krishak Praja Party just before the election.

Sir, one word more and I have finished. My friend Maulvi Rajibuddin Tarafdar should remember that most of the members of the House, particularly the members of the Krishak Praja Party have not come here through the backdoor, but with others through the same open

contest, though it may be not with as much popularity as he is supposed to have in his constituency. But, Sir, if I am permitted to say where is his popularity to-day and what will be his position to-morow? I had the honour of reviewing the condition of the District Board of Bogra in connection with a conference which I had the honour to attend a few days ago and I had opportunities of reviewing his position in Bogra where he claims to be the undisputed leader of the Praja Party. I will give him a note of warning that if he goes on in this way attributing motives to his colleagues and friends belonging to the same party the day is not far off when he will be kicked out of his constituency——

(Cries of withdraw.)

Mr. M. A. H. ISPAHANI: Is the hon'ble member entitled to use the expression "kicked out"?

The Hon'ble Mr. A. K. FAZLUL HUQ: May I know whom he referred to?

Mr. SPEAKER: My difficulty has been that before I could hear what Mr. Hashemy said his voice was drowned in such a shout that I could not catch him. Will Mr. Hashemy tell me whether he has used the expression "kicked out"?

Mr. SYED JALALUDDIN HASHEMY: Sir, I was carried away by inspiration and do not remember exactly what I said.

Voices: He used the expression "kicked out"

Mr. M. A. H. ISPAHANI: He meant the Chief Minister although he now says he does not remember but he did use the expression that "he will be kicked out".

(Cries of No, no.)

The Hon'ble Mr. A. K. FAZLUL HUQ: I want to know whom he actually did mean.

Mr. SYED JALALUDDIN HASHEMY: I was referring to Maulvi Rajibuddin Tarafdar.

Mr. SPEAKER: Whether you refer to Mr. Rajibuddin Tarafdar or the Hon'ble Mr. Fazlul Huq that is an expression which is most strongly condemned and I hope you will unequivocally withdraw that expression.

Mr. SYED JALALUDDIN HASHEMY: I do not remember the exact words. But if I had used that expression I withdraw it.

Mr. SPEAKER: *If you had remembered it I would have taken you* at your word. But in view of the fact that you do not remember I think I have to accept the words of other members that you have used the words "kicked out".

The Hon'ble Mr. A. K. FAZLUL HUQ: I want to know if the honourable member refered to me, because if he did I will certainly take steps.

Mr. SYED JALALUDDIN HASHEMY: Certainly not.

Mr. SPEAKER: It does not matter whether you used that expression in regard to the Hon'ble Mr. Fazlul Huq or Mr. Rajibuddin Tarafdar. As the Speaker of the House I have to look after all members of the House and I ask that you should withdraw that expression at the quickest moment possible.

Mr. SYED JALALUDDIN HASHEMY: Yes, I have. If I have used that expression I withdraw.

Dr. NALINAKSHA SANYAL: The Hon'ble the Chief Minister has held out the threat in this House that he will take some steps while you are here. May I know whether he is entitled to threaten any member like this?

Mr. SPEAKER: I must allow a certain amount of latitude when one is supposed to have been spoken to in such a manner. I am perfectly certain that Dr. Sanyal knows the law of this House that it is the duty of the Speaker to make him withdraw and apologise. I cannot take responsibility for the action of any member and I cannot certainly control the action of any member outside this Chamber.

Mr. I. A. CLARK: Sir, all the amendments moved to-day deal with the question of the emoluments that the Ministers of Government should receive in order that they may carry out their work properly and efficiently. To my mind it is not a question of whether they should get Rs. 500 or Rs. 1,000 a month or any other sum which any individual member of this House may suggest. The question is whether the proposals made by the Government in the Bill we have before us are reasonable or whether they are not. Now, Sir, I do not wish to say anything personal and I am sure I shall be called to order if I do so. But what I say is that it is not a question of what salary the Hon'ble present Chief Minister is fit to get or what salary the Hon'ble the existing Finance Minister is fit to get in accordance with his ability: that is not the question before the House at all. The question is what is a suitable salary to be paid to the Chief Minister,

whoever he may be, not only now but probably for many years to come and the same remark applies of course to the other Ministers also. I am assuming for the moment that we accept the suggestion that the Chief Minister should get more because he has greater responsibility. I beg to suggest further that it is not a question of what the Hon'ble Chief Minister or any other of the Hon'ble Ministers may have said in their constituencies either before or during the general election—that is not the question before the House. Promises are often made at the time of a general election but they need not be taken too seriously. I am a business man and not a politician. But I have found in the course of my business career that it never pays to try to introduce economy at the top. This is true in the case of the administration of a business and after all the administration of Bengal is the administration of another kind of business. Sir, my experience has been that it never pays to economise at the top. It never pays to skimp things at the top. We want good men. I do not think you can get good men unless you pay them adequate salaries. It has been said that the proposals of the Government mean paying 11 times three thousand multiplied by twelve, that is more than 3 lakhs a year. I say if you get inefficient Ministers at the head of the Government they can easily by muddleheadedness and so on waste not 3 lakhs of rupees but much more than that. Although I have every sympathy with the mover and I know Bengal is a poor country, my feeling is, as I have said, that it is no economy to cut down salaries at the top. Of course, if my friends on the right, the Congress party, come into power and if they are prepared to accept a salary, Rs. 500 as Ministers, then I would have every admiration for their patriotism. But nevertheless I regard Rs. 500 as an unduly low figure. Sir, I should like to cite the instance of a very charming Indian gentleman who was a Minister in one of the other provinces under the old system of Government. What did he do? He took his salary and only kept as much as he needed and the rest he gave away in charity.

There is just one other point and that is—it is to my mind rather ridiculous to fix the salary of Ministers at Rs. 500 because there are no officers in Government service, at any rate in the senior service, who get less than Rs. 500 as pay. So it would be rather absurd that the Ministers should get less pay than the subordinate officers serving under them. Sir, I beg to oppose the motion.

Mr. BARADA PRASANNA PAIN: Sir, I move that the amendments under the clause be now put.

Mr. SPEAKER: I cannot accept the closure motion at this stage because I do not think that the matter has been sufficiently and thoroughly debated by the members of this House.

Maulvi ABU HOSSAIN SARKAR: *I rise to support the amendment* moved by my friend Mr. Muhammad Abul Fazl (Amendment No. 4-6).

Now, Sir, if the original sub-clause to clause 2 of the Bill proposed by the Government is replaced by the amendment proposed it will run thus: that there shall be paid a salary to each of the Ministers at the rate of Rs. 1,000 per mensem. Independently taken this proposed clause may mislead some of the honourable members of this House. They may think that only 1,000 rupees has been proposed for each of the Ministers as salary per month. But I draw the honourable members' attention, if I may be permitted to do so, to another amendment standing in the name of Mr. Ramizuddin Ahmed and others Nos. 23-25) which proposes that each of the Ministers will get an allowance of Rs. 500 per mensem and the Chief Minister will get a special allowance of Rs. 1,000 per mensem. Now, the amendments are proposed in accordance with the resolution that was accepted in the Krisak Praja Party only a few days ago—

Mr. SPEAKER: May I give you a little direction? You can discuss the principle of the party. But what has been the decision of the party is not the subject matter of reference in this House: that is purely an internal arrangement of the party. I think I can permit any discussion of the principle, e.g., of the Proja Party or the League Party or the Congress Party within this House but any decision arrived at in the party should not be discussed and should be left out of discussion. The House should not be swayed by any such consideration.

I think I will have to adjourn the House now as we had a prolonged sitting yesterday.

Adjournment.

The House was then adjourned till 4-45 p.m. on Wednesday, the 11th August, 1937, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 11th August, 1937, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, the eleven Hon'ble Ministers and 226 elected members.

STARRED QUESTIONS

(to which oral answers were given)

Appointment of Muslims in the teaching staff of the Bengal Veterinary College.

***37. Mrs. HASINA MURSHED:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing—

(*i*) the present number of members in the teaching staff of the Bengal Veterinary College;

(*ii*) how many of them are Mussalmans; and

(*iii*) the number of Mussalmans amongst other staff?

(*b*) Are there any rules laying down the proportion of Muslim appointments in regard to these posts?

(*c*) If the answer to (*b*) is in the negative, what step, if any, do Government propose taking to promulgate rules laying down the proportion of Muslim appointments?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) A statement is laid on the table.

(*b*) As far as posts on the teaching staff are concerned, the answer is in the negative. In the subordinate and clerical services, the minimum proportion fixed for Muslims was one-third.

(c) The posts on the college teaching staff in the Higher and Lower Veterinary Services require a highly specialised training and hitherto the number of Muslims with the requisite technical qualifications has been very small. I hope that as the number of properly qualified Muslim candidates increases, it will be possible to select a larger number of Muslims for these posts for which besides high technical qualifications an aptitude for teaching is necessary.

In any case, I can give an assurance that as vacancies arise the claims of qualified Muslims will not be overlooked.

Statement referred to in the answer to clause (a), (i), (ii) and (iii) of starred question No. 37 showing the number of members in the teaching staff and employment of Muhammadans in the teaching and other staff of the Bengal Veterinary College.

Present number of members in the teaching staff.		Number of Mussalmans in the teaching staff.		Number of Mussalmans amongst other staff.	
		Indian Veterinary Service.			
Principal ..	1	Nil		Inspectors	2
				Veterinary Assistant Surgeon	1
		Bengal Higher Veterinary Service.			
Vice-Principal ..	1	Nil		Ministerial Service	1
				Typist ..	1
				Compounder ..	1
		Bengal Lower Veterinary Service.			
Lecturers ..	6	Lecturers ..	2	Riding Master ..	1
				Head Constable (Veterinary Preventive Force.)	1
		Subordinate Veterinary Service.			
(Inspector's cadre) Assistant Lecturer.	1	Nil		Constables .. (Veterinary Preventive Force.)	6
Total ..	9		2		14

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: May I, with your permission, Mr. Speaker, explain that the second column of the statement represents the number of Muslims on the teaching staff and the third column represents the subordinate, clerical and miscellaneous staff of the College.

Mr. PROMATHA RANJAN THAKUR: With reference to answer (*b*), has any percentage of scheduled castes been fixed?

The Hon'ble Nawab Khwaja HABIBULLA Bahadur, of Dacca: No, Sir.

Khan Bahadur Maulvi HASHEM ALI KHAN: With reference to answer (*b*), when was the proportion of one-third fixed, and by whom?

The Hon'ble Nawab Khwaja HABIBULLA Bahadur, of Dacca: By Government.

Mr. PROMATHA RANJAN THAKUR: With regard to answer (*c*) what are the number of scheduled caste——

Mr. SPEAKER: Order, order: This question deals with the appointment of Muslims in the Veterinary College. I have already allowed one question which has no bearing on it. You are not entitled to put further questions relating to scheduled caste appointments and strictly speaking the Minister cannot be expected to be ready with an answer on any subject which is not within the scope of the present question.

Khan Bahadur Maulvi HASHEM ALI KHAN: Will the Hon'ble Minister consider the desirability of raising the proportion of one-third fixed for Muslims?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The difficulty is that Muslims in this Province are not taking to veterinary training. I would appeal to the Muslims to qualify themselves in the line, and when they do so, it would be possible to recruit a larger number of Muslims in this technical profession.

Fees for registration of marriages to Muhammadan Marriage Registrars.

***38. Nawabzada K. NASARULLAH:** (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state whether it is a fact that a circular has been issued by the District Sub-Registrar of Dacca to the Presidents of union boards showing what fees should be paid for registration of marriages to the Muhammadan Marriage Registrars?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any circular has been issued requiring table of fees payable to Marriage Registrars to be sent to the President, and, if not, on what authority the District Sub-Registrar has sent such tables of fees to the Presidents of union boards, Dacca?

MINISTER in charge of EDUCATION (REGISTRATION) DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) No, but the District Registrar sent some notices containing information regarding fees to be paid for the registration of ceremonies and other points to the Sub-Registrars for giving publicity to them through Circle Officers, Presidents of union boards and others.

(*b*) The District Registrar adopted the course in exercise of the authority vested in him under section 17 of Act I, B.C. of 1876.

Non-Bengalis Excise Licensees.

***39. Maulvi ABDUL LATIF BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Forests and Excise Department be pleased to state whether it is a fact that a large number of excise licensees are non-Bengalis?

(*b*) If so, is the Hon'ble Minister considering the desirability of granting licences to the unemployed Bengalis in places of non-Bengalis?

MINISTER in charge of FORESTS and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikat): (*a*) Yes, so far as *tari* licences are concerned. But not so in the case of other licences.

(*b*) In granting new licences preference is now given to educated men of the Bengali middle class.

Mr. PROMATHA RANJAN THAKUR: Is it not a fact that members of the scheduled castes do not get reference in the matter of excise licenses?

The Hon'ble Mr. PRASANNA DEB RAIKAT: I am not aware of that.

Maulvi ABDUL LATIF BISWAS: Is it not a fact that some non-Bengalis are holding licenses for excise shops other than those of *tari*?

The Hon'ble Mr. PRASANNA DEB RAIKAT: Yes.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister consider the desirability of issuing a circular refusing to grant a license to anybody other than a Bengali?

The Hon'ble Mr. PRASANNA DEB RAIKAT: That is a request for action, Sir.

Rivers Kalindri and Mahananda.

*40. **Mr. ATUL CHANDRA KUMAR:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) of the silting of the mouth of the Rajmahal Ganges in the dry season at Suamara in the district of Malda; and

(*ii*) that the Kalindri and Mahananda, two principal rivers in Malda district, have not sufficient flow of water throughout the year?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of taking immediate steps for the dredging of the said two rivers?

MINISTER in charge of COMMUNICATIONS and WORKS (IRRIGATION) DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Kasimbazar): (*a*) Yes.

(*b*) The matter will be duly considered.

A Member: When the matter is expected to be duly considered?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I cannot give any specific idea of time.

Dr. NALINAKSHA SANYAL: In view of the delay in the Department, are we not entitled to know whether the Hon'ble Minister has any approximate idea as to the time to be taken in coming to a decision?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: As I have already stated, I cannot give any approximate idea of the time.

A Member: Is the Hon'ble Minister aware that some 8 or 9 years ago certain Engineers of the Irrigation Department had been to the spot? And was any report submitted by them?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I cannot say off-hand when the report was received by the Department from the local officers. I may be permitted to explain. This is a question of dredging two water channels—one flowing from the river Ganges and the other coming out from the hills. In regard to the question of dredging these rivers, very many factors have got to be considered. The first thing which we should consider is whether

a dredging operation will improve the condition of these streams and until and unless the Department is convinced that that would improve their condition, we cannot give any definite answer as to what steps are going to be taken

Rai HARENDRA NATH CHAUDHURI: With reference to answer (*a*), was the matter ever considered before, or is it now being considered?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kashimbazar: If the member wants to know whether the question was ever considered, I should certainly ask for notice.

Growth and progress of Chemical Industries.

***41. Khan Bahadur MOHAMMED ALI:** (*a*) Is the Hon'ble Minister in charge of the Forests and Excise Department aware—

(*i*) that the present excise restrictions varying from province to province retard the growth and progress of Chemical Industries in Bengal; and

(*ii*) that imports from Germany and Japan receive better treatment than our own indigenous manufactures?

(*b*) If the answer to (*a*) (*i*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, he proposes to take in the matter?

The Hon'ble Mr. PRASANNA DEB RAIKAT: (*a*) (*i*) Representations to this effect have been received from the trade.

(*ii*) No. Similar preparations imported from overseas are subject to customs duty which is paid at the port of entry. This customs duty is higher than the excise duty paid in respect of indigenous preparations.

(*b*) The Excise Department have been in communication with other Provincial Governments to secure uniformity in procedure regarding collection of excise duty and have succeeded in the case of the following provinces in arriving at such an agreement:—Punjab, Bihar, Orissa, Assam and North-West Frontier Province.

Mr. DEBI PROSAD KHAITAN: Is the Hon'ble Minister aware that there is a difference in the excise restrictions prescribed for different provinces and that retards the transmission of chemical preparations from one province to another?

The Hon'ble Mr. PRASANNA DEB RAIKAT: I cannot say, Sir.

Khan Bahadur MOHAMMED ALI: What is the difference between the customs duty and excise duty?

Mr. SPEAKER: Order, order: That question does not arise.

Mr. DEBI PROSAD KHAITAN: Is it a fact that the Government of India are going to convene a conference of Excise Commissioners of the different provinces to consider this matter?

The Hon'ble Mr. PRASANNA DEB RAIKAT: Yes, Sir.

Mr. DEBI PROSAD KHAITAN: Will the Hon'ble Minister be pleased to state when he expects that such a conference will be called?

The Hon'ble Mr. PRASANNA DEB RAIKAT: I cannot say, Sir.

Mr. DEBI PROSAD KHAITAN: Has the Hon'ble Minister made enquiries to see that conveyance of chemical preparations can be made perfectly easy without internal restriction?

The Hon'ble Mr. PRASANNA DEB RAIKAT: At the present moment we are finding out ways and means as to how to make such conveyance easy.

Mr. DEBI PROSAD KHAITAN: Will the Hon'ble Minister be pleased to state how long this matter has been hanging fire not only in this province but in other provinces as well, causing various difficulties in the way of manufacturers, sending goods from one province to another?

The Hon'ble Mr. PRASANNA DEB RAIKAT: I cannot say, Sir.

Appointment of Mussalman House Surgeons in the Bengal Veterinary College.

***42. Mrs. HASINA MURSHED:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state how many House Surgeons are there at present in the Bengal Veterinary College?

(*b*) Is it a fact that all of them are Hindus?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether he is considering the desirability of reserving the next vacancies for Mussalmans?

(*d*) Is it a fact that one of the Professors is due to retire soon? If so, when?

(*e*) Do the Government contemplate filling up that post by a Mussalman?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) Three.

(*b*) Yes.

(*c*) The whole question of Muslim appointments in the Bengal Veterinary College is now under consideration. When vacancies occur, I will see that the claims of suitable Muslims are duly considered.

(*d*) Yes. In January, 1938.

(*e*) In filling this vacancy, I will see that the claims of suitable Muslims are duly considered.

Maulvi AHMED ALI MRIDHA: What particular policy has been adopted in the matter of settling the percentage of Muslim appointments?

Mr. SPEAKER: The main question is a restricted one and you cannot bring an entire issue upon it. You must put supplementary questions in connection with the specific issue involved, viz., the appointment of Muslims in the Veterinary College, if you are interested to do so.

Mr. DEBI PROSAD KHAITAN: With regard to answer (*c*), viz., I will see that the claims of suitable Muslims are duly considered, do not these appointments come under the purview of the Public Service Commission?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: No.

Mr. DEBI PROSAD KHAITAN: Are these appointments made by the Ministers themselves or by the Public Service Commission?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: All appointments are made by Government, of which some are made on the recommendations of the Public Service Commission.

Mr. DEBI PROSAD KHAITAN: Are not requisite qualifications considered by the Public Service Commission?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes, in the case of those appointments which are referred to them.

A Member: With reference to answer (*e*), does the Hon'ble Minister mean by Muslims the Muslims of Bengal or Muslims of other provinces as well?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I submit that it is a hypothetical question.

Mr. SPEAKER: Nawab Bahadur, the Member wants to know whether the claims of suitable Muslims of this province only or of Muslims outside this province will be considered. I think the question is in order and is not a hypothetical one.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Muslims of Bengal have preference over Muslims of other provinces.

Mr. JOGESH CHANDRA GUPTA: Having regard to the acute unemployment if Bengali Muslims are not available, will not the appointments go to other Bengalis and not to Muslims of other Provinces?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: It is my desire to give, as far as possible, appointments to Bengalees only.

Allowances to home interhees.

*43. **Mrs. HEMAPROVA MAJUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state whether Government sanction adequate allowance to home internees?

(*b*) Is the Hon'ble Minister aware that they cannot have sufficient facilities in home to earn money or to secure any employment while under restriction?

(*c*) Is the Hon'ble Minister considering these matters when sanctioning allowances to home internees?

MINISTER in charge of HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Government make to every person interned in his home under section 2 (*1*) of the Bengal Criminal Law Amendment Act, an allowance which in their opinion is adequate.

(*b*) and (*c*) Yes.

Mr. JOGESH CHANDRA GUPTA: Is an allowance settled when a person is home-interned or long after that?

The Hon'ble Khwaja Sir NAZIMUDDIN: When a person is made a home-internee, his allowance is fixed.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister aware that in the case of Renuka Sen Gupta she was not given any allowance until the matter came up to the notice of the Court?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir.

Maulvi ABU HOSSAIN SARKAR: Is the Hon'ble Minister aware that a representation was sent to Government by one Dinesh Chandra Lahiri interned in the town of Rangpur complaining of the inadequacy of his allowance?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. SURENDRA NATH BISWAS: Will I be correct in saying that some of the home-internees are not given any allowance at all?

The Hon'ble Khwaja Sir NAZIMUDDIN: At present every home-internee is in receipt of an allowance.

Mr. SURENDRA NATH BISWAS: May I draw the attention of the Hon'ble Minister to the fact that one Akhil Chandra Mahalanobis (?) of Dattapara is not in receipt of any allowance?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Babu NARENDRA NARAYAN CHAKRABARTY: (In Bengali.) Is such an allowance personal to the detenu or is it a family allowance?

The Hon'ble Khwaja Sir NAZIMUDDIN: In certain cases where a home-internee has dependants and was providing for such dependants, a consolidated allowance is given, taking into consideration the fact that he has dependants.

Mr. NIHARENDU DUTTA MAZUMDAR: At what rates, allowances have been granted to home-internees?

The Hon'ble Khwaja Sir NAZIMUDDIN: The minimum is Rs. 10 outside Calcutta, and in Calcutta it varies from Rs. 20 upwards, depending on the merits of each particular case.

Mr. NIHARENDU DUTTA MAZUMDAR: On what principle the rate of allowance is fixed?

The Hon'ble Khwaja Sir NAZIMUDDIN: A home-internee who has got no dependants and who was always provided for by his parents or guardian, gets, as a rule, a minimum allowance of Rs. 10; in other cases it depends on the circumstances of each case.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state whether the sum of Rs. 10 includes allowances for fooding, allowances for books and papers, for stamps and for clothing as well?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have nothing further to add. I have already said that it is the minimum allowance.

Mr. SARAT CHANDRA BOSE: Is that an answer to my question?

Mr. SPEAKER: As I explained the other day to the House, when a question is put and an answer is given, I have got no control over the Minister concerned as to the nature of the answer given. But if you are not satisfied, you can put further supplementary questions to elicit what more you want to know from him. I do not think I can force anybody in this House to give an answer which might cover all the points.

Mr. SARAT CHANDRA BOSE: Has not the Speaker the right to give a ruling as to whether a purported answer is really an answer to a question or not?

Mr. SPEAKER: So far as the answer is concerned, I find there has not been any answer beyond what the Hon'ble Minister has stated before.

The Hon'ble Khwaja Sir NAZIMUDDIN: I stated that I had nothing further to add to my statement that Rs. 10 is the consolidated allowance.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Mr. Gupta asked two successive questions. The first was as to the time when such allowances were fixed and to that the answer was at the time of issuing order of internment. The second question was whether the Hon'ble Minister was aware that one Miss Renuka Sen Gupta did not get any allowance for a long time until the matter came up to a court. The reply was, yes. Might I enquire which of these two replies is correct?

The Hon'ble Khwaja Sir NAZIMUDDIN: When I said that allowance is fixed after an order of internment is passed, I was referring only to the general practice.

Mr. SANTOSH KUMAR BASU: With regard to answer (*a*), on whose opinion an allowance is considered to be adequate? Is it the opinion of the Criminal Investigation Department or of the District Magistrate concerned?

The Hon'ble Khwaja Sir NAZIMUDDIN: On the opinion of the District Magistrate concerned.

Mr. SIBNATH BANERJEE: Does the consolidated allowance of Rs. 10 include medical expenses.

Mr. SPEAKER: The Hon'ble Minister has definitely stated that it is in the nature of a consolidated allowance and I take it that this amount includes all items of expenditure including medical expenses. I think it would be fair that when a statement is made you will draw your own conclusion from it. As I have already stated, I have drawn my conclusion that it covers all expenses. As I understand, it might be that there are special circumstances and in such cases Government may take special steps with a view to give medical aid.

Allowance of detenu Srijut Tarak Nath Dass' sister.

*44. **Mrs. HEMAPROVA MAJUMDAR:** (*a*) Is the Hon'ble Minister in charge of the Home (Jails) Department aware—

(*i*) that detenu Srijut Tarak Nath Dass has a sister named Miss Uma Rani Dass who was living with their mother; and

(*ii*) that after the death of their mother his sister is living alone?

(*b*) Has the Hon'ble Minister received any application from the girl asking permission to live with her detenu brother?

(*c*) If the answer to (*b*) is in the affirmative, what reply has been given to the petition?

(*d*) Is it a fact that the family allowance of Rs. 10 has been stopped after her mother's death?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes.

(*ii*) I have no information.

(*b*) No.

(*c*) *Does not arise.*

(*d*) Yes; but an allowance has been sanctioned for the support of the detenu's sister with effect from the date of the mother's death.

Babu NARENDRA NARAYAN CHAKRABARTY: (In Bengali.) What is the amount of the allowance sanctioned for his sister?

The Hon'ble Khwaja Sir NAZIMUDDIN: Rs. 8.

Babu NARENDRA NARAYAN CHAKRABARTY: (In Bengali.) Is that adequate?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, in this particular case it was.

Mr. BIRENDRA NATH MAZUMDAR: How long after the death of the mother was this allowance sanctioned?

The Hon'ble Khwaja Sir NAZIMUDDIN: From the date of her mother's death.

Mad detenus.

*45. **Mrs. HEMAPROVA MAJUMDAR:** Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(*i*) how many detenus during the last seven years have gone mad;

(*ii*) how many of them have recovered under treatment; and

(*iii*) how many of them were sent to the Ranchi Mental Hospital?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*i*) 12.

(*ii*) 4.

(*iii*) 7. Arrangements are being made to send another, who has turned violent.

Rai HARENDRA NATH CHAUDHURI: What are the names of the 12 persons who have gone mad?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have not got the names with me. I ask for notice.

Mr. SURENDRA NATH BISWAS: Shall I be correct in saying that not 12 but 21 detenus have developed insanity?

Mr. SPEAKER: Order, order. You cannot presume to give information to the Hon'ble Minister when you are asking questions. Your question must be in the proper form, viz., will the Hon'ble Minister be pleased to state, etc., etc.

Babu SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether 21 detenus have developed insanity?

The Hon'ble Khwaja Sir NAZIMUDDIN: The number 12 represents those who have been certified as insane.

Mr. BIRENDRA NATH MAZUMDAR: Which of the Detention Camps yield the largest number of insane prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Rai HARENDRA NATH CHAUDHURI: Is any further detention of the seven persons referred to in answer (*iii*) necessary in the interest of the State?

The Hon'ble Khwaja Sir NAZIMUDDIN: Seven persons were sent to Ranchi. Two of them are still there, and one has committed suicide. Of the remaining four, one is in home domicile and three were conditionally released, of whom one is reported to have gone mad again. Five have been made over to their relatives with their consent. All restrictions have been withdrawn except in one case in which the detenu has been sent to home domicile with consent of his father. He is reported to have become violent and the District Magistrate has recommended his transfer to the Ranchi Mental Asylum.

Mr. SYAMAPRASAD MOOKERJEE: With regard to (*ii*), were the four detenus released after Government were satisfied that they had recovered under treatment?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. SYAMAPRASAD MOOKERJEE: What is the report of the Superintendent of the Ranchi Mental Hospital as regards the cause of this insanity?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. SANTOSH KUMAR BASU: Are any special enquiries made as to the causes of insanity in a particular case when the matter is reported to Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: So far as I am aware, no special enquiry is made but a report is always submitted if the detenu concerned has been in a jail or a camp.

Mr. SARAT CHANDRA BOSE: Were these 12 detenus examined by medical men before they were sent to Ranchi?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, every one of them.

Mr. SARAT CHANDRA BOSE: Are those medical reports available?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Transfer of detenus Narendra Dutta and Ananda Majumdar.

*46. **Mrs. HEMAPROVA MAJUMDAR:** Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(*i*) whether it is a fact that two detenus named (1) Narendra Dutta and (2) Ananda Majumdar have been recently transferred from the Deoli Detention Camp to Calcutta;

(*ii*) whether it is a fact that the reason for transfer is that they have lost their sense of reasoning;

(*iii*) how long were they in the Deoli Detention Camp;

(*iv*) when were they first arrested;

(*v*) what treatment had they at Deoli and for what period; and

(*vi*) why are they not yet sent to the Ranchi Mental Hospital?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*i*) and (*ii*) Yes.

(*iii*) (1) Narendra Datta—3 years 8 months. (2) Ananda Majumdar—5 years.

(*iv*) They were arrested under the Bengal Criminal Law Amendment Act, 1930, on the 5th February, 1932, and the 30th October, 1931, respectively.

(*v*) Both of them began to behave in a strange manner in the middle of April last. They were transferred to Bengal promptly.

(*vi*) They have been made over to their relatives who volunteered to take charge of them. As Narendra Datta has turned violent, arrangements are being made for his transfer to Ranchi.

Babu NARENDRA NARAYAN CHAKRABARTY: (In Bengali.) In what camp were Narendra Dutta and Ananda Mazumdar just before they started developing symptoms of insanity?

The Hon'ble Khwaja Sir NAZIMUDDIN: They were at Deoli.

GOVERNMENT BUSINESS

LEGISLATIVE BUSINESS

GOVERNMENT BILLS.

THE BENGAL MINISTERS' EMOLUMENTS BILL, 1937.

CLAUSE 2.

Maulvi ABU HOSSAIN SARKAR: What I was submitting last evening before the House was that the amendment moved by my friend Maulvi Abul Fazl does not propose to give to the Ministers a salary of Rs. 1,000 alone. There are other proposals in clause (*b*). If these proposals are taken together it will be seen that for the Chief Minister it is proposed to fix a salary of Rs. 1,000 with an allowance of Rs. 1,500 making a total of Rs. 2,500 and for the other Ministers an allowance of Rs. 500 per month together with an allowance of Rs. 1,000 each. Now, the question is whether the salaries proposed for the Chief Minister and the Ministers are adequate or not. It was stated in this House yesterday that before 1st April, 1937, the Ministers of Bengal were getting a monthly salary of Rs 5,000 and over. I submit that that is not a proper guide for fixing the salaries of the Ministers at present. This salary was fixed by the Governor of the province according to the English standard of living when Bengal was in a better financial position than it is now. I submit the position of Bengal is not financially as happy as it used to be.

The Hon'ble Mr. H. S. SUHRAWARDY: You know nothing at all.

Maulvi ABU HOSSAIN SARKAR: My friend, Mr. Suhrawardy, says I know nothing at all. But I do not think he monopolises all the financial knowledge of Bengal for himself and nobody else knows anything about it. The question now is whether the salary is adequate or not. Bengal is the poorest of all the provinces of India and we find at present that the Ministers in other provinces are accepting a salary of Rs. 500 a month and I do not admit that the Ministers of those provinces are not as efficient as the Ministers of Bengal. I submit that the amount of salary is not the only criterion of efficiency or prestige.

But a man who gets a small salary which may be considered adequate according to the financial condition of the country may work efficiently and with prestige. It is reported that in Bengal the average annual income per head is Rs. 30 only and if we take the monthly rate it will come down to Rs. 2-2 per month. Now, Sir, Government propose to give to each of the Ministers a salary of Rs. 3,000 and to the Chief Minister alone a salary and allowance of Rs. 3,500. I consider this amount to be too high.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. We have just noticed an Hon'ble Minister crossing between yourself and the gentleman speaking. Is that in order?

Mr. SPEAKER: You know that I have already pointed out the Parliamentary convention in regard to such matter. I have not seen any member crossing. In that case I would have drawn his attention to it.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: The hon'ble member may come and see if I actually did so or not.

Maulvi ABU HOSSAIN SARKAR: Considering the small income per head in Bengal the salary proposed is rather too high. It is a general cry that the cost of administration of the country should be reduced. The Ministers are proposing high salaries for themselves. If they do not set an example as they are supposed to be popular Ministers it will not be possible for them to reduce the salary of other officers of Government. If we look to other countries in Asia, generally we go to Japan, which is one of the richest countries in the world. One of my friends suggested yesterday that the Ministers of Japan get smaller salaries than the salaries proposed for the Ministers of the Government of Bengal. We see in those countries that the Ministers or the Prime Ministers never prove to be less efficient than the Ministers who are working here with us in Bengal. One of my friends say that I am not acquainted with the affairs of other countries, but I want to know whether that gentleman has monopolised to himself the knowledge of the world. Sir, whenever I make any suggestion or reference to any place I make it with a full responsibility and with a full knowledge of the history of that part of the world.

One of my friends yesterday was submitting that when the Ministers are popular Ministers they could do with smaller pay. I submit it is not the case of poor people or rich people: Ministers are supposed to come here on a patriotic motive and not with a money-making tendency. If they can show sacrifice they deserve praise: if

they can give up a part of their salary proposed they will be made heroes. (A VOICE: What about the members?) Well, my friend may look to that when the case of members comes forward.

Now, Sir, generally we complain about the bureaucratic Government. But here we see that our Ministers have become more bureaucratic than the bureaucracy that was ruling Bengal before the 1st April. The prince of bureaucrats—I mean His Excellency Sir John Anderson, fixed a scale of salary——

Mr. SPEAKER: What was your last sentence? You know very well that you cannot discuss the conduct of His Excellency the Governor. I am sorry to find that you have done so by the use of the words "prince of bureaucrats". I hope you will withdraw it.

Maulvi ABU HOSSAIN SARKAR: I bow to your ruling and withdraw it. I was saying, Sir, that the salaries of the Ministers fixed on the 1st April by His Excellency the Governor were less than what are proposed in the Bill under consideration. Another thing I appeal to the Ministers to consider. Out of eleven autonomous provinces six are ruled by Hindu majority and there we find that the salaries of Ministers have come down to Rs. 500 with some allowances, but where there are Muslim Chief Ministers or Prime Ministers we find that the salaries of the Ministers are higher and that thereby the cost of administration is higher than the provinces ruled by Ministers of other castes. I appeal to the Hon'ble Ministers of Bengal not to make this dangerous precedent that wherever Muslim will rule the salary will be higher or the cost of administration will be higher than the administration ruled by Hindus or other nationalities.

Mr. SPEAKER: Mr. Abu Hossain, I would request you to avoid this very dangerous inference which you are drawing. I cannot stop you outright but I would request you that it would be preferable if you avoid the dangerous communal reference.

Maulvi ABU HOSSAIN SARKAR: What I submitted, Sir, was not practically communal but rather what I was submitting was to take away that communal aspect.

Now, Sir, with these submissions I beg to second the amendment moved by my friend Md. Abul Fazl.

Maulvi ABDUL BARI: Mr. Speaker, Sir, it appears that the Ministers' Salary Bill has almost raised a storm over a teapot. It appears that the Ministers' Salary Bill is the only important item before the House (laughter from the Congress Benches). My friends over

there are laughing over it but I will tell them outright just as I proceed that what I submit is true and I shall try to prove it. Sir, I do not know if on the decision of the question of Ministers' salary millennium will come at the gates of Bengal. Sir, I do not know if on the decision of the question of the Ministers' salary the flood gates of opulence and wealth will be opened. I do not know if on the decision on the question of Ministers' salary the question of economic salvation of Bengal will be solved. I do not know if this is the only problem with which the legislators of this country are to-day faced. I will not be surprised if some of my friends will say that if you pay more to your Ministers perhaps the roof of this House which was built at a cost of Rs. 13 lakhs will fall upon your shoulders or the flow of the waters of the Ganges will stop running or perhaps they will say that if you pay so much to your Ministers a bolt from the blue will fall upon you and that you will all be killed. I submit, Sir, that all these will never come, will never happen.

It has been suggested that the Ministers' salary should be reduced to the maximum of Rs. 500. This is the proposal of Mr. Pramatha Nath Banerjee. I know, Sir, that amendments there have been many This House has been flooded with amendments, amendments moved and withdrawn, amendments not moved and amendments not pressed. But to what effect? Is it the desire of the members of the House that the salary of the Ministers should be so much reduced as to bring it to the scale of Rs. 500? If it had been so, then certainly flippantly and light-heartedly amendments would not have been put forward before this House.

Mr. SPEAKER: I do not think you are entitled to say that amendments have been flippantly and light-heartedly put forward. It is a question of the right of the members and it is a matter which I hope you will respect.

Maulvi ABDUL BARI: Sir, I can just refer to the amendment of Mr. Pramatha Nath Banerjee. I know Mr. Pramatha Nath Banerjee well: I was a student in the University College. I am sure that Mr. Pramatha Nath Banerjee is a fine gentleman, a fine professor and a fine lawyer. I am sure too that what he was stating before the House to-day he will not certainly state before his students in the University. The philosophy of economy that he was preaching here is not the philosophy that he himself believes. Sir, I would submit that Mr. Pramatha Nath Banerjee in stating that the Ministers should get a salary of Rs. 500 was only resounding his master's voice, namely, the voice that resounded the cells of Wardha (loud cheers from Moslem Benches and voices of "undoubtedly that is so" from Congress Benches).

Mr. SPEAKER: Order, order. I think the Left Wing should not be so impatient because a word which was used by them is used by another member. My friend Mr. Bose and his group will realise that in Parliament expressions are used as retort but if that is made an occasion for drowning the voice of a speaker it is very difficult for any speaker to continue.

Mr. SARAT CHANDRA BOSE: May I say, Mr. Speaker, that we applauded his remarks.

Maulvi ABDUL BARI: I was just going to say on the amendment of Mr. Pramatha Nath Banerjee. Sir, Mr. Banerjee stated that the Ministers in the Congress provinces, namely, the six provinces in which Congress dominates to-day have been accepting a salary of Rs. 500. I want to tell the House through you, Sir, that the Congress is not the ideal of this House, that the Congress provinces are not the ideal of the province of Bengal. Bengal, Sir, has always led, Bengal has always been on the vanguard and to-day also Bengal wants to set an example and is not going to be led. If the members of this House receive their salary out of public fund and everybody else receives his salary out of public fund, such sort of amendments will not stop giving Ministers their salaries out of public fund.

If we have read the papers aright we find that the Ministers in the Congress provinces are receiving a salary of Rs. 500 but they are receiving more through the backdoor, namely, by allowances which are not permissible under the law and we to-day want to propose in this House that we shall give our Ministers only the salary that they deserve but not the allowances which are not provided for by the Act.

Mr. Pramatha Nath Banerjee also quoted the figures of some independent countries, namely, of Japan and other countries but in none of those countries could he show that any Minister in any country has been receiving a salary of Rs. 500. The figure that he showed for Japan is Rs. 700 and for other countries he showed Rs. 1,200 or 1,300. But I can tell the House that we are not going to follow the practice of those countries. Sir, we have got the reforms from the Parliament of England and if we are to follow we will follow the mother of Parliament, namely, England. The pay that was given to the Prime Minister of England was £5,000 which has been raised to £10,000.

Now, Sir, it is also stated that Bengal is a poverty-stricken country and Bengal's peasants and Bengal's poor men cannot afford to pay so much to her Ministers. I admit that Bengal is poor but at the same time I submit that rural Bengal is poor but Calcutta is not poor. All the money, all the silver, all the gold are flowing round Calcutta. Who are the citizens of this Calcutta? They are big merchants, big doctors, big lawyers and such other persons. Bengal's money is there but rural

Bengal has become poor. I would welcome the time when the entire palaces of Calcutta will be crushed down and in its place will be erected huts and hamlets. I will certainly welcome the time when motor cars and buses and other vehicles like that will be given the go-by and the people of Calcutta will ride in bullock carts. I submit, Sir, that a nation lives in the cottage and not in the city of palaces. I would ask the members of the Congress Benches if they are prepared to forego the salary they have been getting, to forego the fees that they have been taking. I can tell you one instance, a very sad instance. Just a few days before a man was found "not guilty" by a verdict of the Jury in the district of Murshidabad. The matter was referred to the Hon'ble High Court. The man was poor and he approached some very eminent Advocates, some very eminent Counsel of this town of Calcutta but they said that without Rs. 500 they were not going to accept the brief. Ultimately the man was ordered to be hanged. In this House they speak of uplift of humanity. Was it not fair for humanity for them to see that the brief of that poor man was accepted. I submit, Sir, if Mr. Pramatha Nath Banerjee or Mr. J. C. Gupta is prepared to accept the Ministership for Rs. 500. (Voices from Congress Benches "certainly"). Certainly not. If the Congress Ministers have accepted a pay of Rs. 500 certainly they have done so with a view that perhaps their Ministry is not going to be stable for a long time. What does the acceptance of a lesser salary mean? It means that the gate to bribery is open.

Mr. DEBI PROSAD KHAITAN: On a point of order, Sir. Is the hon'ble member in order in insinuating that if the salary is lowered Ministers will take bribe?

Mr. SPEAKER: I think Mr. Khaitan this point is very pertinent to be raised but I think it is clear that if a member wants to draw an inference that a lower salary will result in bribery and corruption it is a perfectly legitimate parliamentary expression. I can say that this morning I was reading a book which Mr. Bose kindly referred to me and I found that this very fact has been mentioned.

Maulvi ABDUL BARI: Now, Sir, I was going to say about the Congress management. I will tell the House through you, Sir, that so long as the existing system in the Calcutta Corporation exists it does not lie in the mouth of the Congress members to ask Ministers to accept a salary of Rs. 500. Is not the Chief Executive Officer of the Calcutta Corporation receiving Rs. 2,900 as his salary? (Shame, shame).

Mr. SPEAKER: You are perfectly entitled to say something about the Corporation, but I do not think it is fair on the part of any member

of this House to cry shame over the question of the Corporation paying higher salaries because once you make these remarks you stand yourself condemned.

Maulvi ABDUL BARI: I was submitting that the Chief Executive Officer of the Corporation receives a pay of Rs. 2,900, free quarters and motor car allowance, and after this so long as you allow that system of things to prevail in the Calcutta Corporation and so long as you do not reduce high salaries it does not lie in the mouth of those persons to call for a cut in the salaries of Ministers here. It was stated yesterday by Mr. P. Banerjee that he would not like to have so many ministers as 11, but he can run the province with two only. May I remind him of what is happening about the congress ministries in other provinces? Madras has got 10, Bombay 8, Bihar 7 and Orissa 4. So I submit it is very easy to say things like that and it is very difficult really when a man is practically in the same position and makes criticisms like that and criticisms like that seem to be always substantial.

In reply to my friend Mr. Abu Hossain Sarkar, who was telling this House that money is not always a test of efficiency and ability, I submit that so long as the world remains we find that money is one of the tests of a man being a big man or being a leader of men; a man worthy of being recipient of honour, privilege and prestige.

I would just refer to one thing. My friends on this side of the House will appreciate that this question did not come in when the question of leadership of the Congress was considered because Babu Atul Chandra Kumar and others would have been the leader of the Congress because they suffered more than Mr. Sarat Chandra Bose but because these persons did not have sufficient money to control the party—

(At this stage the member, having reached the time limit, resumed his seat.)

Mr. SANTOSH KUMAR BASU: Sir, I would not have decided to intervene in this debate but for the speech made by Mr. Abdul Bari. I think the apologists for higher salaries for the Ministers would have been better advised if they had chosen to rely upon the number of votes they could secure than upon the arguments they decided to bring forward. False issues and false analogies have been sought to be raised on an elaborate scale for the purpose of defending a position which does not bear a moment's scrutiny. I would remind my friends opposite to realise that they are standing on the threshold of a new era in the history of this country; they are creating history. It will not be good for them to yield to such arguments as have been put forward for the purpose of bolstering up a case which does not, as I have said, bear a moment's scrutiny. You are on the parting of ways.

May I remind you that you are creating new traditions when power, however small it may be, is in your hands?

Sir, my esteemed friend, the Minister for Labour, will try to contain himself for some time. Labour is always anxious to deliver itself quickly but let that delivery be put off for some little time.

My friend Mr. Abdul Bari has said: "What about the Corporation of Calcutta?" That is a question, Sir, which is considered to be very ticklish to many of my friends on the other side of the House. But do they know that it is not the Congress which is responsible for the inflated salaries which obtained in the Corporation towards the latter part of the Congress regime. When the Congress regime first came into being under the leadership of the late Deshabandhu Das, what was the practice and what was the position that they wanted to establish in that body? Mr. Subash Chandra Bose, their first nominee for the Chief Executive Officer's post, accepted a salary of Rs. 1,500 per month; the salary of the Official I. C. S. Chairman was Rs. 3,500; and it was practically in the gift of the Congress party —it was in fact in the hollow of their hands to grant to Mr. Subash Chandra Bose, a salary of Rs. 3,500 under the Calcutta Municipal Act. They knew that they could command the votes which were absolutely at their command, but they deliberately decided to set an example to posterity, to set an example to the bureaucracy, because they were then ruling the country just as they are doing now—that a salary of Rs. 1,500 should be fixed for the highest officer of the Corporation of Calcutta. Sir, I may recall the occasion when Sir Charles Stuart-Williams, the then Chairman of the Calcutta Port Trust, stood up and proposed an amendment to the proposal of the Congress Party for a salary of Rs. 1,500. He proposed that the salary should be fixed at Rs. 3,500 and he made it perfectly clear in his speech that he desired to hold fast to his amendment for the purpose of keeping up the standard and the grade of the salary. The Calcutta Corporation, dominated, as it then was, by the Congress Party and of which my friend, the present Labour Minister, was the Deputy Mayor under the aegis of the Congress Party, rejected that proposal of Sir Charles Stuart-Williams for a salary of Rs. 3,500 and deliberately went in for Rs. 1,500 for their nominee for the Chief Executive Officer's post. Why was that done? That was done for the purpose of setting an example for all time to come to those who are out here to grab as much money as they can from the poor people of this country to fill up their own pockets. The Calcutta Corporation of to-day shows a different picture and salaries have gone up in that body. Why is it so? It is not because of the Congress Party but in spite of the Congress Party in the Corporation of Calcutta, why is it done? It is done because reactionary forces control the power and the position in the Calcutta Corporation, because the voice of the Congress—the genuine Congress is drowned in the roar of the reactionaries in the Calcutta Corporation,

because the European element combine with the Government party nominees and a handful of other elected members, are always ready to stick out in keeping up the high level of salaries in the Calcutta Corporation. That is done, as I have said, in spite of, and not because of, the Congress and that is the position. The Congress party in season and out of season and every time it has found an opportunity, has raised his voice of protest; but unfortunately the reactionary forces are such that its voice for the time being is lying low.

The Hon'ble Mr. H. S. SUHRAWARDY: Very lame excuse.

Mr. SANTOSH KUMAR BASU: My friend Mr. Suhrawardy says it is a very lame excuse. I know, Sir, he has got excuses for many things and he is probably a good judge of excuses. I know that and I am not going to yield to his interruptions. I hold fast to my view, knowing full well the activities of the Congress Party, knowing full well their desires, their ambitions and their policies. I know that when the salaries of people in position and power are sought to be placed on a high level, there will always be forthcoming adherents to their cause who will stand by them and give them their support. It is a different matter if you rely upon your votes instead of trying to hoodwink this House by arguments which expose their own hollowness.

Sir, I look to my Moslem fellow countrymen and my Moslem brethren with whom I had the honour and privilege of working shoulder to shoulder in the Corporation of Calcutta. I have got many an inspiration from them which has ennobled me for the time being and has put me on a higher plane. I find that on the floor of this House such feelings and sentiments are not altogether unknown. It is here among the Moslem members of this House that the question of salaries has been raised, that the highly inflated salaries, which the Ministry is asking for itself, are not to be allowed. And the voice of protest, a voice powerful and strong, has come forth from my Moslem friends. Sir, I know the Krishak Praja Party. A great party in Bengal which is in the shaping and which is bound to control the destinies of the vast Moslem and other masses of this country to a great extent; and I know that their professions, predilections and their affiliations and attachments are in consonance with the progressive forces of this country. That is my deliberate opinion and I do not for a moment hesitate to give expression to that opinion with the utmost emphasis I can command. I am looking forward to the Ministers for setting that example, for giving that turn to the events in the near future when the day will come, when the highly salaried officers of Government will be shamed into accepting lower salaries. The constitution allows them to set that example to-day which is bound to be followed by the highly paid officers, the permanent officers of this

country. Time was when the theory was put forward that India was not accustomed to the method of Western administration and when you had to get highly paid officers from Europe for the purpose of keeping up that system of administration. That was the position and that was the excuse then, I say, for not introducing into this poor—the poorest of all poor—countries the artificial rate of salaries which we find in vogue to-day. But that is a thing of the past. No one with a modicum of conscience can say to-day that it is still necessary to import highly paid officers from Europe to run the administration of this country. That is an argument which has been exploded long long ago. Are you going to face the future with your eyes turned to the past when highly salaried British officers were considered necessary? Sir, if we are out to Indianise our services, we must bring down the scales of salaries to the Indian level—the level of the poor Indian raiyat, the level of the poor Indian labourer who cannot earn enough for two meals a day. And I appeal to my esteemed friend, the Chief Minister, at whose feet I have learnt many things which I am not willing to unlearn, although he speaks in a different voice to-day. I would remind my esteemed friend that these are the theories, sentiments and ennobling visions which he has placed before the youth of this country. Do not go back upon your own words and do not shut your eyes to the shining example that you have yourself set before the younger generations of this country. I say, Sir, do not rely upon any arguments. Divide the House and have your salaries to your heart's content if you like, but do not bring forward arguments which can only mislead posterity and which can only hoodwink the public if you go on doing that.

Maulvi ABDUL LATIF BISWAS: Sir, I have heard the arguments put forward on behalf of the amendments. I had no mind to rise up but after the vehement speech put forward by my friend on the other side—I mean the ex-Mayor—I would like to say a few words in favour of the arguments given by my friend Abdul Bari. I rise up to oppose all the amendments. The argument which my friend opposite has given expression to just now has pained me much and pained me to the extreme. What I have been able to follow from his argument is that the Calcutta Corporation is dominated at present not by the genuine Congressmen but by Congressmen who are counterfeit. I would ask my friend——

Mr. SPEAKER: Order, order. You must address the Speaker.

Maulvi ABDUL LATIF BISWAS: Yes, Sir I am putting this question through you to my friends occupying the benches opposite

whether the majority of the members of the Corporation are Congressmen or not. (Cries of No, no). We learn that it is the Congressmen who are ruling the Corporation; we learn that the spirit of the Corporation; we learn that the spirit of the Corporation is Mr. J. C. Gupta who is occupying the bench over there. May I ask my friend opposite, the Mayor, whether the present Mayor is not a member of the Congress? I put this question to him; whether he will be willing to give an answer or not is a different matter.

Mr. SANTOSH KUMAR BASU: He is just as much the Mayor as the Hon'ble the Finance Minister is.

Maulvi ABDUL LATIF BISWAS: I have been able to catch a word from the lips of Mr. J. C. Gupta, that they will bring forward a measure to curtail the pay of the officers of the Calcutta Corporation. Let him do it first, Sir. Example is better than precept.

Yesterday I heard from Mr. P. Banerjee that the history of Mr. A. K. Fazlul Huq is the history of broken pledges. Is it desirable, Sir, that a man should poke at others and without scratching a part of his own body? We have followed Mr. A. K. Fazlul Huq and we find that he has not yet broken any pledge. He has not betrayed any community; he has not betrayed any nation. We know the history and the name of a man who is worshipped and adored by all the communities of Bengal, who has been mentioned by my friend opposite. I mean Deshbandhu Chittaranjan Das. I adore him for he came forward with an olive branch and made that sacred Pact, gave that sacred pledge—I mean the Bengal Pact. But what has the Congress done in the meantime? We find Congressmen coming forward with a proposal of giving the Ministers only Rs. 500 per mensem. But, Sir, Deshbandhu Chittaranjan Das, with a view to bridge the gulf and with a view to bring about amity and peace between the two communities, came forward with a wholesome and equitable measure known as the Bengal Pact. We then learnt and learnt with pleasure that there was a sincere patriot who came forward to bring peace into the country; but, alas, Sir, after his departure from this world, at the Nadia Conference that Pact was torn up and thrown into the waste-paper basket.

Many things have been said, Sir, in favour of the Congress Ministries, but I ask members of this House to turn their eyes for a moment to the provinces outside Bengal where Congress occupies an exalted position as having formed a Ministry. Look at them. Of course, they have accepted a salary of Rs. 500 per mensem. I submit, without fear of contradiction, that they will not hesitate to fill their pockets in a way which is questionable. They have violated the law to fill their pockets. I am referring to section 57——

Mr. SPEAKER: Mr. Abdul Latif Biswas, I think it is my duty to advise you that when as a member of the legislature you are referring to Ministries or legislatures of other provinces you should not do it in a manner which you would not like if imitated by others.

Maulvi ABDUL LATIF BISWAS: Sir, it has been argued by some of my friends opposite that the pay that is proposed to be given to the Ministers is quite exorbitant. We know, Sir,—and know very fairly—that some gentleman while in detention was given an allowance of Rs. 1,800 per mensem. Is it reasonable, is it probable, that a detenu should be unsatisfied and discontented with Rs. 1,800 per month and ask the Hon'ble Ministers to content themselves with a pay of Rs. 500? (Dr. NALINAKSHYA SANYAL: But that detenu was earning Rs. 30,000 per month!) But he might have taken a lesser sum out of self-sacrifice! And it may also be that some of the gentlemen now occupying the Treasury Benches might also be earning more than this. (Cries of "Who, who"; "Name him"; "Who is he?") (RAI HARENDRA NATH CHAUDHURI: Name one.) The point, Sir, is this. My friends have argued that patriotism is the main criterion. And if patriotism is the chief thing, why could not that gentleman be satisfied with a lesser amount than Rs 1,800 per month? But if that gentleman was not satisfied even with Rs. 1,800 a month, how can you argue that Ministers will accept a salary of Rs. 500 per month? Is it not unreasonable—nay a blasphemy on the part of those gentlemen to say so? What is the idea behind it? It is nothing but to create a deadlock, nothing but to drive the Ministry out of office. Sir, everybody knows that a salary of Rs. 500 is not possible for any decent man to live upon in Calcutta. It is not sufficient even for a middle-class man. Some of my friends have brought forward the example of Japan, but, Sir, everybody knows that the standard of living in Calcutta is much higher than it is in Japan. (Cries of "No one knows, but you may".) I know—and I know fairly well—and as I have already said—that it is nothing but an attempt to create a deadlock and to drive the Ministry out of office. (A VOICE: For how many years were you in Japan?) I have studied the amendment coming from that side, and I find that it is nothing but a compromise with the Congress group. It is my belief and firm conviction that those gentlemen think that they will not be able to carry their amendment through—the amendment that they have put forward, I mean. And I am satisfied that if it were not a compromise the gentlemen occupying the benches opposite would not for this amendment.

Mr. ABU HOSSAIN SARKAR: Where have you got this inspiration from?

Maulvi ABDUL LATIF BISWAS: From those gentlemen who dislike the personnel of the present Ministry and have brought forward these amendments.

Dr. J. M. DAS GUPTA: On a point of order, Sir. May I ask you, Sir, if the honourable member is in order in imputing motives in this way?

Mr. SPEAKER: I did not hear that he was attributing any motives.

Dr. J. M. DAS GUPTA: He was saying that the Congress Party has given up their idea of Rs. 500 per month for the Ministers and are now backing up the Proja Party as a compromise.

Mr. SPEAKER: I do not think he has imputed any motives. All that he has been saying is that this amendment is in the nature of a compromise, and I do not see how a suggestion like that can be described as imputing motives. I believe that the Congress is doing that with the best of motives. Even if it involves compromise with another group, it is quite permissible for the Congress to do so. I am afraid this imputation of motives arose out of an inspiration due to the intervention of Maulvi Abu Hossain Sarkar. I would, however, ask all members to keep their inspiration to themselves.

Maulvi ABDUL LATIF BISWAS: Now, Sir, I am coming to the professions of the Congress Party. Theirs are only lip professions, for the amelioration of the condition of the poor. I also learn from my friends opposite that this amendment is meant for creating an example in the country, and it is for this reason that the Congress group here has come out with this proposal. May I ask them, Sir, where was this patriotism, which is now being shown by the Congress members, at the time of the passing of the last Bengal Tenancy Act? At the time when the amending Bill was introduced in the old Bengal Legislative Council, the Congress block opposed measures which were calculated to give peace to the country, and now they are coming forward on the plea that a small salary for the Ministers is necessary in the interests of the masses. (A VOICE FROM THE CONGRESS BENCHES: They are all traitors and not patriots!) I do not say that they are all traitors, but they are traitors to the Muhammadan community. Look at Orissa. What do we find there and in other provinces in regard to the formation of the Ministries there? Congress has been a traitor to the majority community in Bengal. Then, again, I would ask my friends to look at the Calcutta Corporation. Look at the proportion of services given to the Muslims in the Corporation. I challenge my Congress friends to show that a considerable proportion of the appointments under the Calcutta Corporation has been given to the Muslim community. There the majority rules, and I should say that that majority is stifling the other community. I have finished, Sir, but would say a few words before I resume my seat. The words that have just now been mentioned and uttered by my friends opposite—I mean the words of the ex-Mayor of the Calcutta Corporation—stand self-condemned. He has said that the Calcutta Corporation is

not ruled by Swarajists. I ask my friend whether he would be able to place his hands on his breast and then say that the majority of the Councillors of the Calcutta Corporation are not Congressmen. (MR. SANTHSH KUMAR BASU: They are not.) It is very surprising, Sir, to say that they are not Congressmen.

Mr. SANTOSH KUMAR BASU: There are Swarajists and pseudo-Swarajists. Some of them try to seek office as ex-Mayors and ex-Deputy-Mayors of the Calcutta Corporation.

Maulvi ABDUL LATIF BISWAS: If these gentlemen are not members of the Congress, then, Sir, it is merely a tyranny of phrases and nothing but that the members opposite are Congressmen. They are the Swarajists and Congressmen! But we know, Sir, that Swarajists were included in the Congress, though not the Congress within the Swarajists. It is a truism and I must say, Sir, that it is a correct fact that Swarajists are Congressmen.

Mr. SANTOSH KUMAR BASU: Yes, we have seen a "Swarajist" looming large in the cabinet of this Government?

Maulvi ABDUL LATIF BISWAS: I would like to remind my friends in this House —

Mr. SPEAKER: Don't do it at all.

Maulvi ABDUL LATIF BISWAS: Last year when the Moslem members of the Corporation boycotted the Corporation, the Congress Party promised that their grievances would be looked into very carefully. Now, may I ask my friends on the opposite whether they have considered that matter? There is no shilly-shalling in the matter and there is no blinking at the fact that our interests have been neglected and will be neglected in the future by the Congress.

Mr. RASIK LAL BISWAS: I rise on a point of order, Sir. Is the hon'ble member in order?

Mr. SPEAKER: Well I have not found any disorder yet.

Maulvi ABDUL LATIF BISWAS: What I mean to say is this, Sir. When the Corporation majority—whether they belong to the Congress or Swarajist I do not argue—is giving such high salaries to its officers, with what face can they come forward here and say that the Ministers of the Government of Bengal should only get Rs. 500 as their pay! They should be ashamed of bringing forward this amendment when they think of their ownselves. I do not like to take any more time of

this House, but I would only remind my friends opposite that if you be courteous and kind to the Moslems and honest towards them, you will get their co-operation. You should earn their friendship by good-will and their co-operation by giving them their rights and the justice which they are crying for.

Mr. M. A. H. ISPAHANI: Mr. Speaker, Sir, it was not at all my intention to take part in the debate to-day: it is my friend Mr. Santosh Kumar Basu's speech that has really forced me to say a few words. I wish Mr. Basu had continued his speech without making any reference to the Calcutta Corporation. Sir, I think, and I feel I do not think wrongly, that it does not lie in the mouth of Mr. Santosh Kumar Basu or of any member of the Bengal Congress to find fault with the members on this side of the House; for by their action in the Calcutta Corporation they stand self-condemned. (A voice: including you, yourself). Sir, I may say that I had the pleasure and privilege of being a Councillor of the Calcutta Corporation for three years and I belonged to that group of Moslems known as Progressive. We worked with the Congress in all seriousness. Mr. J. C. Gupta whom I see here to-day was a member of the Corporation at that time and I am sure that if he does take any part in this debate he will not deny my statement. What did we the Moslem Progressive Party members in the Calcutta Corporation see there when we worked with the Congress? So long as it suited the Congress party they co-operated with you but when it did not suit them, they worked for your downfall and we were the unfortunate victims. We were in the Calcutta Corporation to fight for the just and legitimate rights of our community.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. May I draw your attention to rule 14 of the Bengal Legislative Assembly Rules and Standing Orders which says that in case of irrelevance or tedious repetition of the same argument the Speaker may direct a member to discontinue his speech?

Mr. SPEAKER: I know the rule myself, but I believe you will agree with me that if Dr. Sanyal speaks and thereafter Mr. Pramatha Nath Banerjee repeats Dr. Sanyal's arguments in a different manner that rule is not applicable. That rule is only applicable when one speaker repeats the same arguments tediously. The speaker has not the power to stop another speaker who repeats the arguments advanced by a previous speaker in a proper manner.

Dr. NALINAKSHA SANYAL: Sir, if you will kindly refer to the rule you will find it stated there "if a member persists in irrelevance or in tedious repetition either of his own arguments or the arguments used by other members."

Mr. SPEAKER: It is not a tedious argument but it is a repetition. There is a good deal of distinction. The Speaker after having called the attention of the Assembly to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate may direct him to discontinue his speech. That is the rule but I do not think that the debate has come to such a stage that there is tediousness in his repetition.

Mr. M. A. H. ISPAHANI: I now know where the shoe pinches.

When I was in the Corporation, I do not care what Mr. Santosh Kumar Basu has to say, the Congress was in power. Year in and year out they got their Mayor elected and they captured all the best committees and put in men from other communities exactly as they chose. They were in an absolute majority as far as appointments and increase of pay and administration in general of the Corporation were concerned. I remember very well and I do not think my memory fails me when I say that when the question of the Chief Executive Officer's increase in salary came up before the Corporation there were only 4 members of the Corporation who voted against it. There were 3 of them who were Moslems and one Dr. Roy a Hindu who voted against that resolution. All the rest and—I would not like to make an absolute suggestion but I feel I would not be wrong if I did so—even my friends Mr. J. C. Gupta and Mr. Santosh Kumar Basu did support that resolution.

Mr. SANTOSH KUMAR BASU: Is it permissible for me to give a personal explanation?

Mr. SPEAKER: Yes but I should only say that that personal explanation should not be a debate. You can explain if you find that the other member is making an incorrect statement.

Mr. SANTOSH KUMAR BASU; Mr. Ispahani is absolutely incorrect and he ought to remember I was the Mayor of the Calcutta Corporation at that time and was conducting the proceedings. I took no part in the voting at all. (Laughter.)

Mr. M. A. H. ISPAHANI: I withdraw that remark but barring that Mr. Santosh Kumar Basu took an active part in canvassing for the rise in the Chief Executive Officer's salary.

Mr. SANTOSH KUMAR BASU: My friend now says that I canvassed for the increase in the Chief Executive Officer's salary. This is also absolutely incorrect as the proceedings will show that the matter was referred to a committee. Mr. Nalini Ranjan Sarker sent up a recommendation for the increase in the salary of the Chief Executive Officer

because it was provided in the budget but I ruled that the matter should go back to the Finance Committee and could not be accepted by the house then.

Babu NARENDRA NARAYAN CHAKRABARTI: Are we attending a meeting of the Corporation or that of the Assembly?

Mr. SPEAKER: I am afraid the member in discussing the question of the salary of the Ministers made a comparison of it with the pay given in other places and other institutions. If a reference to the pay of the Prime Minister of Japan is not irrelevant I cannot rule out a reference to the high salary in the Corporation as irrelevant. The member is entitled to draw his own conclusions until it becomes irrelevant.

Mr. SANTOSH KUMAR BASU: Mr. Ispahani is overstepping the limits of accuracy.

Mr. SPEAKER: Mr. Santosh Kumar Basu wanted to give a personal explanation and I think it is only fair, if there is an incorrect statement, to allow a personal explanation to be given. I hope the members of the House will realise it.

Mr. BARADA PROSANNA PAIN: Sir, would it not be better if we adjourn to the Corporation where the records would be handy?

Mr. SPEAKER: Mr. Pain, you are a criminal lawyer of repute— —

Mr. BARADA PROSANNA PAIN: I am a lawyer but not a criminal lawyer.

Mr. SPEAKER: I know very well that you are a lawyer of repute. You know the implication of the sentence you used. I strongly object to that remark as it is not in consonance with your standing in the profession. I strongly object to the expression that will make one think that this House is being led into such a position that it would be better to adjourn it to another place. The implication of your remark is that I am not allowing a fair debate and that I am allowing a debate which is better fitted for the Corporation.

Mr. BARADA PROSANNA PAIN: On a point of personal explanation. What I suggested was "may we adjourn to the Corporation buildings where the records would be handy?" There was no implication.

Mr. SPEAKER: I have heard it distinctly not only once and I asked you to repeat it. Mr. Pain knows definitely that it is not a point of order.

Mr. M. A. H. ISPAHANI: I will not take much time of the House but I should like to say what I have got to say in regard to the increase of pay of the highly paid officers annually in the Corporation. Why do they not set their own house in order before they come here—(Cries of: This is also our house.) I do not want Mr. Basu to conclude that I am either in favour or against the Ministers' salary that is being debated upon. That is quite a different matter. I want the members on the other side of the House to remember the saying "Those who live in glass houses should not throw stones at others."

Babu NARENDRA NARAYAN CHAKRABARTI: Spoke in Bengali of which the following is an English translation:—

Hon'ble Mr. Speaker, I have been expecting from before the session of the Assembly that at this period of transition for the nation and the country every discussion on the floor of this House would be carried on with thoughtfulness, logic and restraint. I expected much weightier and more restrained discussion from the representatives of the millions and millions of our people but to-day's discussions have disappointed and pained me.

In the course of his speech my friend Maulvi Abdul Bari said that he could not understand why there was so much discussion about the motion for the reduction of the salaries of the Ministers. He also reminded us that the reduction of the Ministers' salaries would not bring in the millennium. In reply I would only say that it might not usher in the millennium, but it is difficult to understand how a *jehad* and a campaign of vilification against the Congress are likely to usher in the millennium. If the Congress is not necessary for the freedom of the country, if the Congress is unfit for serving the people of the country, if the Congress is unable to give form to the hopes and aspirations of the people, I am quite prepared to declare that it is the foremost duty of the people of the country to desert and boycott it. But is the Congress really unfit for rendering service to the country? Is it true that the Congress does not echo the aspirations of the people of the country afflicted in various ways with oppressions and injustice? Has the Congress to-day renounced the ideal of disinterested service and sacrifice?

It is the eternal law of human life that man loves his self more than anything else. His hopes and aspirations—his present and future—are all built up round this life. He loves the earth because of his own necessity. He establishes the relationship of love with his surroundings for his own satisfaction. What is that call, in response to which hundreds of Congress workers court death with smiles on their lips and sing the song of victory unto life? What is that object of attraction under the unfailing spell of which hundreds of the youths of the country accept without hesitation banishment, imprisonment and a

hundred other oppressions as so many ornaments on their persons? What is that mysterious call in response to which hundreds and hundreds of Congress workers, during the times of flood and famine, take up as the highest duty the service of their destitute countrymen irrespective of caste and creed?

Mr. Speaker, I am amazed at the mean and ugly attacks which some of my friends of this Assembly have made against the Congress. Even the bureaucrats, the direct enemies of the Congress, did never do like this. They also admitted times without number that the sacrifice and the discipline of the Congress were incomparable. Some of the members of this Assembly may slight the strength of the Congress, but the British Government did never do so. So, in 1931, the highest representative of the British Government, Lord Irwin, was the first to sue on bended knees for peace with this Congress.

Mr. Speaker, the greatest misfortune of Bengal is her communal problem. We could not give up this communal mentality even during the discussions the other day about the Andamans problem. To a section of the members of this Assembly the merit or otherwise of every problem in Bengal is judged by the communal standard. It is not very difficult to understand this psychology. We know that the majority of the members of this Assembly are Moslem; we are also aware that the majority of the Ministers are Moslem. But what we do not understand is this—how the criticism of any action of the Ministry or the adoption of any motion in the interest of the people of the country can be construed as a censure against the Ministry excluding its Hindu Ministers. The fear of no-confidence is sitting heavy like a goblin upon the breast of the present Ministers and their supporters. To raise the question of Andamans is to move a vote of censure and they see "no-confidence" in the motion for the reduction of the salaries of the Ministers of this abjectly poor country. Hereafter we shall perhaps see that proposal for fighting famine, attempts to alleviate the sufferings of the distressed people or protest against *zulum* and oppressions committed on political grounds would mean no-confidence in the Ministers!

My friend Mr. Rajibuddin Tarafdar opposed the reduction of the Ministers' salaries. It is not worthwhile to discuss to-day under what mysterious spell this friend of the raiyats has been suddenly transformed into a friend of the Maharajas, Nawabs and Rajas. But I want to remind this whilom friend of the Prajas that this prosperous city of Calcutta is not our hunger-stricken Pabna or Bogra. I want also to remind him that this illuminated and well-furnished Council House is not the dwelling-house of the destitute raiyats of Bengal.

My friend Maulvi Abdul Latif Biswas said that to reduce the salaries of the Ministers would be to put them on the path of temptation. I

do not know if Mr. Biswas was conscious of himself when saying this, but I can emphatically declare that in saying this he has insulted not only himself but the whole of this poor country. He forgot the honesty of the poorly-paid teachers. He has ignored the honesty of my countrymen—the poverty-stricken Krishaks and Prajas. I should like to remind him that character—not profusion of wealth is the real test for judging a man. Rs. 500 or Rs. 1,000 is not the question to-day. The most important thing is whether the Ministers are prepared to accept a salary befitting this poor country. So long our countrymen criticised the bureaucracy that they, by giving extravagant salaries to their employees, had neglected all things important for the country. Time has now come to vindicate that criticism by the action of our elected Ministers.

Mr. Speaker, the example of the six Congress provinces come in at every step even in this Assembly and it is good that it is so. There is no doubt that Bombay, Madras, Bihar, Orissa and the United Provinces have, by their programme and sacrifice, put Bengal in the shade. But a born optimist as I am, I have not despaired of Bengal. I cherish the hope that Bengal, by the speciality of her culture, by her service and sacrifice and by her endeavour for freedom will lead the other provinces. I can see the day when our Ministers, though they have now tarnished the fair name of Bengal by their weakness and incapacity, will again raise this province to the pinnacle of glory by their service and sacrifice.

Maulvi Md. MOZAMMEL HUQ: (The member addressed the House in Bengali.)

Adjournment.

The House was then adjourned for 15 minutes.

After Adjournment.

Mr. SPEAKER: I think that there has been a reasonable debate I propose, therefore, unless other things crop up, to bring the discussion on these amendments to a close at about 7-30 p.m.

I now call upon Maulvi Md. Mozammel Huq to continue his speech. I may tell him that he has got only 5 minutes more.

Maulvi Md. Mozammel Huq continued delivering his speech in Bengali.

As Maulvi Md. Mozammel Huq invited the members of the House to go outside the chamber and inspect the luxurious cars owned by Mr. Sarat Chandra Bose, Mr. Tulsi Chandra Goswami and other Congress members of the House he was called to order.

Mr. SPEAKER: Maulvi Sahib, I would request you not to bring in anything in the nature of a personal reference. You are quite

entitled to speak in general terms. I think in the interests of fair debate it should be carried on a proper level and that members should refrain from mentioning any individual by name.

Mr. M. SHAMSUDDIN AHMED: Mr. Speaker, Sir, I thought that the debate this evening would take a different turn. But I find also of not participating in the debate this evening but some remarks made by my friend Mr. Abdul Latif Biswas make it necessary for me to speak. He possibly thought that as he fought the Proja Party candidate in the last election he could insinuate against the Proja Party that we had compromised with the Congress because we put in an amendment to the effect that the Ministers of this province should draw a salary of Rs. 1,000. Sir, I may tell you that this amendment is not an offspring of overnight. Ours is the programme which was drawn up by one of our big men—I mean the President of the Krishak Proja Samity—who is at present the Premier of this province. Sir, he presided over the meeting when we drew up this programme stating that the highest officer in the land would get a salary of Rs. 1,000. Sir, I will not narrate the passionate appeal that Maulvi Fazlul Huq made before an audience of 10,000 men. I would only narrate to you one statement that was made by our President, inunciating the position of our party that it was going to follow an economic programme and he was going to give a programme of reduction in the cost not only of the administration in general but in every department of the Government also. Sir, this is what he said:—

"From this day onwards begins the grim fight between zemindars and capitalists, on one side, and poor people on the other. It is not at all a civil war in the Muslim community, but it is a fight in which the people of Bengal are divided on a purely economic issue. This issue must be decided first before we can take up any other matter for consideration. I am sure you realise this quite fully. You know, much more than I do, the appalling misery that prevails in the villages, and how thousands are dying every day in rural areas in Bengal of actual starvation and semi-starvation. The problem of "dal" and "bhat" and some kind of coarse cloath to cover our nudity, is the problem of problems which stares us in the face and which must be solved immediately. This is the very problem which we will have to face as soon as we enter the new Council. An obvious and immediate solution of the problem will be by effecting drastic economy in the cost of administration, by reduction of taxation on the poor, by repeal of such taxation as tells heavily on the masses and by a thorough overhauling of the Bengal Tenancy Act and other Acts in the interest of the raiyats. To all these measures zemindars, capitalists and those holding vested interests will offer strenuous opposition. It is, therefore, inevitable that there will be a division of the country into two

main classes, viz., those of the rich and influential on the one side and the poor and helpless on the other. We represent the latter; we are sure you also do the same.

"Had there been any conceivable problem affecting Muslim interest only—and not the interest of the masses—we would have gladly put our economic programme in the background and taken up the communal question first. But there is no such question before us or likely to be before us for some time to come. At the same time, it goes without saying that if at any time we find that Muslim interests as such are threatened——"

Mr. SPEAKER: May I intervene at this stage and say that you are fully entitled to read an extract from any newspaper, but according to Parliamentary convention you cannot read a very long extract.

Mr. M. SHAMSUDDIN AHMED: I submit, Sir, that I was only reading out a relevant portion from a statement that affected the question of our party.

Now, Sir, I have said—and I was telling the House at the beginning—that the Proja Party enunciated its programme purely as an economic issue, and the programme that we have enunciated and the scale of salaries that we have proposed in our amendment is not a compromise with the Congress, as my friend Mr. Abdul Latif Biswas has said. We decided in our general meeting to that effect, and thereafter it was sanctioned at a conference.

Mr. SPEAKER: Order, order. You are perfectly entitled to enunciate the principles of your party, but the decision in a party meeting is purely in the nature of an internal economy of the party, or an internal arrangement or whip of the party, and as such should not be referred to in the House.

Mr. M. SHAMSUDDIN AHMED: I am not referring to any whip of the party but to the principles of the party, which was to reduce the cost of administration of the country, so that thereby we might set an example to the country and so that the salaries of the public services might be reduced and even the Indian Civil Servants, whose salaries are on the reserved side of the budget and could not therefore be touched, might impose a voluntary cut on their service, as the Indian Civil Servants in Madras have done by a self-denying ordinance. The Madras Civil Servants have imposed a cut on their salaries themselves, and therefore if we can make a beginning in this direction and can show to the country that we are really after the upliftment of the masses and of the country and that we are determined to push through our programme, we must begin from our own Ministers, so that others also might follow. That is the reason why we decided on that course of action. I will not take much time of the House, Sir, but I would

only say this that we should not consider this matter on a communal basis. Amongst our Ministers there are not only Muslims—I am proud though that the President of our party is to-day the Premier of the Government of Bengal—but there are Hindu friends also in the Cabinet. Therefore the communal composition of the Cabinet should not trouble us at all. As I have said our President stated that the whole question is an economic one. We know, Sir, that we are ruled by British Imperialism, that the administration is top-heavy, and we also know that the cost of administration must be reduced. The other day the Hon'ble the Finance Minister told us that money could not be found for primary education. I know, Sir, our Premier is very much anxious to introduce compulsory primary education. He thinks about it day in and day out, but for want of money he cannot introduce it. I say, Sir, if we make a beginning here, and if we reduce the cost of administration in other departments of life, for instance, in salaries and other things, the Finance Minister can give our Chief Minister any sum—whether it is 1 crore and 50 lakhs or 2 crores and 50 lakhs—in one night, if only he take up the pen and put down the figure. I understand that the steel-frame administration which is still continuing here, it is very difficult to cut down its expenditure at the very beginning. But, Sir, a beginning must be made, and we want to make a beginning with our Ministers' salaries. Therefore, my friends on the left are having a fling at the Congress and think that this amendment for Rs. 500 which has been brought forward has no meaning, and possibly it was intended as a joke. But whatever it is, Sir, I am not going to discuss that; nor am I going to vote for that amendment. I am going to vote for the amendment which we have tabled. I may here read one very small extract from a statement of Mahatma Gandhi, who is a non-Muslim but has reminded us of the Muslims' outlook on life.

Mr. SPEAKER: After raising the communal issue so far, don't you think you had better avoid it.

Mr. M. SHAMSUDDIN AHMED: He has discussed this question not from a political standpoint but from the economic point.

(As Mr. Ahmed was addressing his remarks to the Muslim members of the House, Mr. Speaker intervened.)

Mr. SPEAKER: Please address the Chair and not the Muslim members.

Mr. M. SHAMSUDDIN AHMED: I was addressing the House through you.

I may perhaps read that extract now. It runs: "Lest Congressmen should think that they have a monopoly of simplicity and that they erred in 1920 in doing away with trousers and chairs, let me cite

the examples of Abu Bakr and Omar. Rama and Krishna are prehistoric names. I may not use these names as examples. History tells us of Pratap and Shivaji living in the utmost simplicity, but opinion may be divided as to what they did when they had power. There is no division of opinion about the Prophet Abu Bakr and Omar. They had the riches of the world at their feet. It would be difficult to find a historical parallel to match their rigorous life." Everybody knows, readers of History know that Islamic culture has added many things to the civilization of the world. Omar when he received deputations from the Roman Emperors—when the Ambassador came—he was taking shelter in a garden—he was sleeping in a garden I mean. The Ambassador inquired where the Khalifa was——

Khan Sahib Maulvi SYED MUHAMMAD AFZAL: That is not a fact, Sir. He was not sleeping at the time.

Mr. SPEAKER: If this is not a fact, it may be contradicted by another member in his speech. You need not interrupt.

Mr. M. SHAMSUDDIN AHMED: I believe, Sir, there were no dak bungalows then, but I repeat that he was sleeping in a palm garden. Then the Ambassador was astonished and amazed when he found him in tattered robes and taking shelter under a tree. That astonished the Ambassador of the Eastern Roman Empire—he was so much astonished that the Khalifa of Islam should be such a simple person.

Khan Sahib Maulvi SYED MUHAMMAD AFZAL: On a point of order, Sir. Is Mr. Ahmed entitled to preach religion here when he does not know the *Hadis*?

Mr. SPEAKER: Order, order. Whether the speaker knows *Hadis* or not is outside the purview of this House, but I think, Mr. Ahmed is perfectly right when he appeals to certain Muslim members on certain principles just as many other members have discussed it on the ground of Muslim principles. I wish however that discussion either of Hindu principles or Muslim principles should be avoided as much as possible. I have allowed it so far, but would appeal to members to see that in future the debate does not turn on Hindu and Muhammadan principles, or religious or communal principles.

Mr. M. SHAMSUDDIN AHMED: Whether I know *Hadis* or not, Sir, when my friend has some leisure if he would come to me I can teach him.

I was just referring about Omar. I will now, before I sit down, tell the House through you that Mr. Abdul Latif Biswas must stand absolutely—what shall I say?—enlightened—that he should not have used the expressions that he has used against one of the greatest parties in this province. We are proud that we have got the President of our party appointed as the Premier of this province.

Before I sit down, I make an appeal to this House that it may not vote for the Congress amendment. I also am not going to vote for the Congress amendment for Rs. 500. I would appeal to you in all seriousness that this is the beginning of the redeeming of the pledges that you have given to the electorate. (Cries of "No, no" from the Muhammadan benches.) Do not say "No, no", whether you belong to the Muslim League or to the Coalition Group. I have got the League's programme with me. Their policy is also to reduce the cost of administration. So, it is no use saying "No, no".

Now, Sir, before I sit down, I hope——

(At this stage the member, having reached the time-limit, resumed his seat.)

(The Hon'ble the Finance Minister rose to reply to the debate.)

Mr. SPEAKER: I hope Mr. Sarker you will please try to finish your reply within 5 minutes, if possible, because all the amendments will have to be put to the vote, and it will take quite a long time to do so. And I do not think the House would like to wait more than 8 p.m. this night.

Mr. AFTAB ALI: May I rise to submit one point, Sir?

(There were cries of "No, no. Let the Finance Minister speak".)

Mr. SPEAKER: Order, order. The member has a right to make any representation, and there should not be any objection to that from the House.

Mr. AFTAB ALI: My submission is that this is a very important issue, and I would appeal to you, Sir, to allow at least a Labour member to give his views.

Mr. SPEAKER: I am perfectly in the hands of this House. But as far as I have been able to judge the temper of the House, both of the right and of the left—of course, I have not been able to consult the front—I find that they would not like to sit beyond 8 p.m. to-night. (Dr. NALINAKSHYA SANYAL: We are prepared to sit up later.) And in view of that I am afraid I shall have to bring the debate to a close well within that time. I feel that almost all the issues have been fully debated. I should have been very glad if it were possible for me to have the opinions of all the sections of this House, but constituted as the House is—with so many groups and groups within groups—that it is very difficult for me to give such an opportunity in one debate unless it is a matter which essentially affects any special interests.

The Hon'ble Mr. NALINI RANJAN SARKER: I do not say that the motion moved by the Congress party for the reduction of the salary of the Ministers is inspired by any but the purest of motives. I also do not say that the rate of salary proposed by the Praja Party has anything but the purest of motives behind it, but as you know it is not possible for everyone of us to follow the Congress ideals at all times. The Congress resolution about all offices under the Crown carrying a salary of not more than Rs. 500 per month was passed long ago. Even in institutions which are managed by the Congress this resolution could not be given effect to. (A VOICE: Because congressmen like you were there.) I say because of my failings it was not my good fortune to act up to the Congress ideals. Dr. Sanyal interrupts me when it suits him but I want him to put his hand on his breast and say whether everyone of his group has followed the Congress mandate in every matter. The Congress stands for the ideal of ascetic simplicity and I ask my friends how many of the members are inspired by the ideals of that simplicity. I would request Dr. Sanyal not to force me to say unpleasant things.

Dr. NALINAKSHA SANYAL: Why not? You are at perfect liberty to follow our lead.

The Hon'ble Mr. NALINI RANJAN SARKER: There was a time when Dr. Sanyal was used to following mine.

When I say I have not been able to follow the lead of the Congress in every matter I say it seriously and sincerely and many of the members of this House know that it is very difficult to follow all the mandates of the Congress.

My friend Mr. Santosh Kumar Basu said that in the Corporation the Congress members tried to reduce the salary of the officers but for reactionary forces they could not do it. It is true that there were reactionary forces. I also was in the Congress group at that time and I ask Mr. Santosh Kumar Basu if we ever tried to reduce the salary of the Chief Executive Officer to Rs. 500. I may tell the House that Mr. Santosh Kumar Basu was the Chairman of the Retrenchment Committee and I was a member of that committee: has he or any other member ever put any resolution before the Retrenchment Committee that the Chief Executive Officer's salary or for the matter of that the Deputy Chief Executive Officer's should be reduced to Rs. 500? I must say that we were not at that time inspired by the ideal of Congress economy. I can say from personal experience that neither Mr. Santosh Kumar Basu nor I nor anybody else was inspired by that ideal at that time.

Dr. NALINAKSHA SANYAL: But there has been a change since then.

The Hon'ble Mr. NALINI RANJAN SARKER: I know that there has been a change. So many years after the passing of the Karachi resolution the Congress says that we must adopt the salary of Rs. 500.

Mr. SANTOSH KUMAR BASU: We have now got the opportunity.

The Hon'ble Mr. NALINI RANJAN SARKER: I admit. But even with that opportunity they have to devise some allowances.

Dr. NALINAKSHA SANYAL: Small allowances.

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, small allowances, not Rs. 500 but less than Rs. 500 and that shows that they realise under the present condition it is not possible to reduce the salary of Ministers to Rs. 500. In spite of their strict code of simplicity a motor car is a necessity. (A VOICE: Are you prepared to accept that amount?) It is not possible to adhere to simplicity in this complex organisation of our society. Mr. Santosh Kumar Basu said that in the Corporation they had tried to initiate lower salary at the time when our revered friend Mr. Subash Bose was made Executive Officer. I should say that for that eventuality I do not think we can take any credit. Mr. Subash Chandra Bose enunciated the policy of the Corporation and he himself voluntarily accepted a lower salary.

A voice: Do you not know that Mr. Subash Chandra Bose accepted a salary of Rs. 1,500 when the Chief Executive Officer's salary was fixed at Rs. 3,000?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, may I enquire if you will allow this sort of running comments when the Hon'ble the Finance Minister is speaking?

Mr. SPEAKER: I personally would not like any running comments but if the speaker would yield to those running comments I cannot help it.

(Mr. Santosh Kumar Basu rose to speak when there were cries of order, order from the treasury benches.)

Mr. SANTOSH KUMAR BASU: I am making a statement to the Speaker and you all cry "order, order," you creat a disorder. When the Hon'ble the Finance Minister in his reply goes on putting questions

to a previous speaker who is not in a position to reply, what is his remedy?

Mr. SPEAKER: It is very difficult to say. If the member thinks a personal explanation is necessary, I think, under the rule he is fully entitled to give it. That is all he can do: he cannot go further.

The Hon'ble Mr. NALINI RANJAN SARKER: We lesser mortals cannot agree to the reduction of our salary. The salary of the previous incumbents of our office was Rs. 5,333 and we have made a suggestion for Rs. 2,500. But it is entirely in the hands of this House to say whether it will give us Rs. 500 or Rs. 5,000. As I have said we have not been able to be inspired by the Congress ideal of simplicity. We have given an estimate of the salary which we ought to get and it is entirely in the hands of the members of this House to vote Rs. 2,500 or the Congress ideal of Rs. 500. For that no quarrel is necessary.

My friend Mr. Shamsuddin Ahmed brought in ancient history and appealed to us to follow the simple life of Ram and Sri Krishna. When we go back to the simplicity of pre-historic days we shall welcome it but till then you cannot ask the Ministers to take a small salary. In a society where a lawyer can earn Rs. 15,000, where a doctor can earn Rs. 5,000, where a businessman can earn Rs. 8,000 and where a Professor of a college can earn Rs. 1,500 a month and where the Secretaries to Government can earn Rs. 2,750 a month I do not think Rs. 2,500 a month for the Ministers will be an anomaly.

The main ground for the reduction of salary is the appalling misery of the masses. It is urged that when the people of this country have such a low standard of living, in the interest of these people the Ministers should accept an absurdly low salary. I admit and it is true that the condition of the masses in appalling. It is also true that there is maladjustment of income between the masses and the classes and I am one of those who believe that this maladjustment must be put an end to and the gap between classes and masses should be narrowed down. But I do not admit that the Ministers should adopt a lower standard of living. In that view of the case we have indicated that we are entitled to Rs. 2,500. In a society where money has not yet become valueless and where to maintain one's dignity some sort of wealth is necessary I do not think that the Ministers in the present condition of things can have a comfortable living with dignity with anything less than Rs. 2,500.

My friend Mr. Narendra Chandra Chakrabarti gave us the example of Madras. (A VOICE: He is Narendra Narayan Chakrabarti and not Narendra Chandra Chakrabarti.) Really that example is a very good example but may I ask my friend from Pabna-*cum*-Bogra whether the Congress leaders in this province have been inspired by the ideals of

Mr. Rajagopalachariar? It is no use uttering revered names if we are unable to act up to their example. As I said we are but ordinary human beings and according to our standard we appeal to this House to decide our salary. We are prepared to and must accept whatever the Assembly may vote. In this matter the Assembly is the final deciding authority.

Some of my friends opposite said that in my speech I had said that we were popular Ministers and they took exception to that. I did not use that word "popular" in the sense in which my friends use it. If I said popular I said it because we are backed by the majority and in all democratic countries those who have the majority in the legislature are called popular. If I have made an incorrect statement my friends will kindly forgive me.

My friend from Pabna-*cum*-Bogra said that "নিজের ব্যক্তিগত স্বার্থ ভুলিয়া যাওয়ার জন্য" I quote as much as I can remember. We have not come here to exploit or to gain anything financially. We have come here to serve the country in a spirit of service as we understand it. (Question.) Yes, you may question but I say charity must begin at home. Let all of my friends opposite be inspired by the ideals of Mahatma Gandhi and Pandit Jawaharlal Nehru and then deride us for accepting this salary.

The disparity between the incomes of the classes and the masses cannot be done away with by reducing the salary of Government servants alone. Government service covers a very small field in this wide area. If men in other professions, and the businessmen are not inspired by that ideal it is impossible to narrow the gap between the classes and the masses. Then my friend Mr. Shamsuddin said that we do not want to cut the administrative expenses. Sir, as I said in my budget speech we have not been able to do anything in that matter because there was not sufficient time at our disposal. Mr. Shamsuddin has also attacked our Chief Minister and said that he has broken his pledge. Mr. Shamsuddin said that the Ministers' salary should be Rs. 1,000 per month.

Mr. M. SHAMSUDDIN AHMED: I did not say that.

The Hon'ble Mr. NALINI RANJAN SARKER: Mr. Shamsuddin says that he did not say it, but we have all heard him. He referred to a speech the Hon'ble Chief Minister is stated to have delivered at Dacca suggesting a maximum salary of Rs. 1,000 for Ministers. I do not know what he actually said. But I shall only give here a history of the subsequent events. The Hon'ble Mr. Fazlul Huq's Ministry is a Coalition Ministry and so far as I know the coalition was first made

at the instance of the Hon'ble Mr. Shamsuddin. A programme was settled known as the coalition programme between the League Party and the Proja Party and the rate of salary of Ministers was kept out of that programme, and so far as I know Mr. Shamsuddin was a signatory to that programme which was afterwards confirmed by the Proja Party. This should suffice. I do not want to waste the time of this House. I have made my submissions and we are entirely dependent on the verdict of this Assembly.

Mr. DEBI PROSAD KHAITAN: On a point of information, Sir. Would the Hon'ble Finance Minister make his position clear about the house allowance and the motor car allowance? All the time he has been talking about Rs. 2,500 and we shall understand better if he makes his position clear.

The Hon'ble Mr. NALINI RANJAN SARKER: I am making my submission with regard to clause (2). This question will arise when clause (3) comes.

Mr. SARAT CHANDRA BOSE: Sir, the Hon'ble Finance Minister in the course of his speech addressed a question to a member of my party. May I on behalf of the party reply to that question? The question put by the Hon'ble Finance Minister to a member of the Congress Party was this: Will the Congress Party show the way in this matter? I make this statement with the full sense of responsibility. If to-night non-Congress Hindus and non-Congress Muhammadans join the Congress Party and put the Congress Party in absolute majority, the Congress Party will accept a salary of Rs. 500 per month.

The Hon'ble Mr. NALINI RANJAN SARKER: I never said that. He has not properly understood my question.

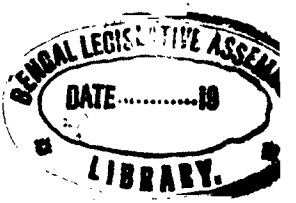
The Hon'ble Mr. A. K. FAZLUL HUQ: I want to make a statement. If my friend Mr. Bose——

A member from Opposition Bench: What is this going on?

Mr. SPEAKER: If as a result of that statement which affects the office acceptance, the Chief Minister wants to make a statement I cannot rule him out.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I am not going to make a speech. If my friend Mr. Sarat Chandra Bose can convince the non-Congress Hindus and non-Congress Muslims of this House that it is in the interests of Islam and of the country to join hands with the Congress and if he can induce them to come over to the Congress I will accept a salary of Rs. 100 per month.

Mr. SPEAKER: Order, order. I will now put all the amendments before the House. The House will remember that the following amendments were moved:—



No. 5 by Mr. Md. Abul Fazl:

No. 7 by Mr. Pramatha Nath Banerjee:

No. 9 by Maulvi Rajibuddin Tarafdar:

No. 10 by Mr. P. Banerjee:

No. 12 by Mr. Pramatha Nath Banerjee:

No. 14 by Maulvi Rajibuddin Tarafdar: and

No. 16 by Mr. Pramatha Nath Banerjee.

I think it would be convenient for the House if I group these into three different groups as follows:—

Nos. 7, 12 and 16 stand together. They have been moved by Mr. Pramatha Nath Banerjee and the effect of all these three is to give a salary of Rs. 500 to each Minister. So that being one common issue I may put Nos. 7, 12 and 16 together on the issue of Rs. 500 vote.

No. 5 reduces the salary to Rs. 1,000 for all which has been moved by Mr. Abul Fazl. That I will place next.

Mr. Rajibuddin Tarafdar has moved Nos. 9 and 14. They stand together. His proposal tantamounts to giving the Chief Minister Rs. 2,500 and other Ministers Rs. 2,000.

So the effect of the first group will be that all Ministers will get Rs. 500: the effect of the second group will be that all Ministers will get Rs. 1,000: the effect of the third group will be that the Chief Minister will get Rs. 2,500 and the other Ministers Rs. 2,000. I give this explanation with a view to make the position clear.

The question before the House is amendments Nos. 7, 12 and 16. Before I call the division I would like to warn the House once more, and in doing so I do it in a very submissive spirit of appeal as your spokesman, that you will kindly see that till you go out of the House you will try, except the Whips and the important leaders, to keep to your seats and I hope I will not see any repetition of the instances of dragging of members. I hope you will kindly remember that there is one appeal more and that is that the spirit of silence in a deliberative body may be kept as much as possible and my friends will kindly remember that if everybody speaks the sum total of their voice will drown everything else in the House.

The following motions were then put and a division taken with the following result:—

Mr. Pramatha Nath Banerjee to move that sub-clause (*a*) of clause 2 be omitted.

Mr. Pramatha Nath Banerjee to move that in sub-clause (*b*) of clause 2, in line 1, the word "other" be omitted.

Mr. Pramatha Nath Banerjee to move that in clause 2 (*b*), in lines 1 and 2, the words "two thousand" be omitted.

AYES.

Banerjee, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerjee, Mr. Sibnath.
Banerji, Mr. Satya Priya.
Bannerjee, Mr. Manoranjan.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Bebleda Chandra.
Biswas, Mr. Resik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Babu Narendra Narayan.
Chakrabarty, Mr. Jatindra Nath.
Chattopadhyay, Babu Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Mr. Narendra Nath.
Datta, Mr. Dhirendra Nath.
Deloi, Mr. Narendra.
Dutta, Mr. Guhamar.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Ghose, Mr. Atul Krishna.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Himatsingka, Mr. Prabhudayal.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kunda, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mazumdar, Mr. Birendra Nath.
Mal, Mr. Iswar Chandra.
Mukherji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. H. C.
Mullick, Srijut Ashutosh.
Pain, Mr. Barada Prosanna.
Roy, Mr. Kamakhrishna.
Roy, Mr. Kiran Sankar.
Ray, Mr. Kishori Pati.
Ray, Mr. Manmatha Nath.
Sanyal, Dr. Kalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Sinha, Srijut Maniendra Bhusan.
Sur, Mr. Harendra Kumar.
Zaman, Mr. A. M. A.

NOES.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafeez, Khan Bahadur Syed.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz Mia, Mr.
Abdul Hakeem, Mr.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Mr. Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdul Wahed, Maulvi.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rasehid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Raza Chowdhury, Khan Bahadur.
Abu Hossain Sarkar, Maulvi.
Abul Fazal, Mr. Md.
Abul Hashim, Maulvi.
Abul Hossain, Mr. Ahmed.
Abul Quasem, Maulvi.
Acharyya Choudhury, Maharaja Sashi Kanta of Muktagacha, Mymensingh.
Aftab Hussain Joardar, Maulvi.
Ahmed Ali, Khan Sahib Maulana Enayetpuri.
Ahmed Ali Mridha, Maulvi.
Ahmed Hasain, Mr.
Alfazuddin Ahmed, Khan Bahadur.
Amiruliah, Maulvi.
Amir Ali, Md. Mia.
Armstrong, Mr. W. L.
Ashrafali, Mr. M.
Asimuddin Ahmed, Mr.
Asiad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Bannerman, Mr. H. C.
Barat Ali, Mr. Md.
Barma, Babu Premhari.
Barma, Mr. Puspajit.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.

Biswas, Babu Lakshmi Narayan.
Bracher, Mr. F. C.
Campbell, Sir George, Kt.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Cooper, Mr. C. C.
Crosfield, Mr. L. M.
Das, Mr. Anukul Chandra.
Das, Mr. Kisit Bhusan.
Das, Mr. Monmohan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Emdadul Haque, Kazi.
Farhad Raza Chowdhury, Mr. M.
Farhut Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman Moktear, Mr.
Ferguson, Mr. R. H.
Gammeter, Mr. E. O.
Giasuddin Ahmed, Mr.
Giasuddin Ahmed Choudhury, Mr.
Golam Sarwar Hosaini, Mr. Shah Syed.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Rurung, Mr. Damber Singh.
Hafibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiuddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hasan Ali Chowdhury, Mr. Syed.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur.
Hasina Murshed, Mrs.
Hatemally Jumadar, Khan Sahib.
Haywood, Mr. Rogers.
Hendry, Mr. David.
Hirtzel, Mr. M. A. F.
Idris Ahmed Mia, Mr.
Ispahani, Mr. M. A. N.
Jalaluddin Ahmad, Khan Bahadur.
Jalaluddin Hashemy, Mr. Syed.
Jasimuddin Ahmed, Mr.
Jonab Ali Majumdar, Maulvi.
Kabiruddin Khan, Khan Sahib.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Khaitan, Mr. Debi Prasad.
MacLauchlan, Mr. C. S.
Mafizuddin Ahmed, Dr.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtab, Maharajkumar Uday Chand.
Mahtabuddin Ahmed, Khan Bahadur.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Maniruddin Akhand, Maulvi.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Masud Ali Khan Panni, Maulvi.
Miles, Mr. C. W.
Millar, Mr. C.
Milne-Robertson, Mr. C. E. L.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Mohammed Ali, Khan Bahadur.
Mohammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Dr. Syed.
Muhammad Solaiman, Mr.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagaswal Haque, Mr. Syed.
Mustufa Ali Dewan Sahib, Mr.
Nandy, the Hon'ble Maharaja Gris Chandra, of Kasimbazar.
Nasarullah, Nawabzada K.
Nasher Ali, the Hon'ble Maulvi Syed.
Nazimuddin, the Hon'ble Khwaja Sir.
Nimmo, Mr. T. B.
Nooruddin, Mr. K.
Patton, Mr. W. C.
Paul, Sir Hari Sanker.
Pramanik, Mr. Tarinicharan.
Rahman, Khan Bahadur A. M. L.
Raikat, the Hon'ble Mr Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Ramizuddin Ahmed, Mr.
Ray Choudhury, Mr. Birendra Kishore.
Razaur Rahman Khan, Mr.
Ray, Babu Patiram.
Ray, the Hon'ble Sir Bijoy Prasad Singh.
Ray, Mr. Dhananjay.
Ray, Rai Bahadur Kshirod Chandra.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Sassoon, Mr. R. M.
Sen, Rai Bahadur Jogesh Chandra.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Shamsuddin Ahmed Khandkar, Mr.
Shamsul Huda, Maulana.
Singha, Babu Kshetra Nath.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, Maulvi.
Tapuriah, Rai Bahadur Moongtu Lall.
Thakur, Mr. Pramatha Ranjan.
Tofel Ahmed Choudhury, Maulvi Haji.
Wallur Rahman, Maulvi.
West, Mrs. Ellen.
Wordsworth, Mr. W. C.
Yousuf Mirza.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Mr.

The Ayes being 58 and Noes being 177 the motions were lost.

Amendment No. 5 moved by Mr. Md. Abul Fazl was then put, and a division taken with the following result:—

Mr. Md. Abul Fazl to move that for sub-clauses (*a*) and (*b*) of clause 2 the following be substituted, namely:—

"to each of the Ministers at the rate of one thousand rupees per mensem."

AYES.

Abdul Hafeez, Khan Bahadur Syed.
Abdul Hakim, Maulvi.
Abdul Majid, Maulvi.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Aftab Ali, Mr.
Asimuddin Ahmed, Mr.
Banerjee, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerjee, Mr. Sibnath.
Banerji, Mr. Satya Priya.
Bannerjee, Mr. Manoranjan.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Babu Narendra Narayan.
Chakrabarty, Mr. Jatindra Nath.
Chattopadhyay, Babu Haripada.
Chaudhuri, Rai Narendra Nath.
Chippendale, Mr. J. W.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Mr. Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Narendra.
Dutta, Mr. Sahamar.
Dutta Mazumdar, Mr. Niharendu.
Emadul Haque, Kazi.
Fazlur Rahman Maktear, Mr.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Himatsingka, Mr. Prabhudayal.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lal.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nibaraja Beheri.
Maitra, Mr. Surendra Mohan.
Maji, Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mazumdar, Mr. Birendra Nath.
Mal, Mr. Iswar Chandra.
Manirazzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mookerjee, Mr. Syamaprasad.
Muhammad Israil, Maulvi.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. S.
Mukherji, Dr. H. C.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Pain, Mr. Sarada Prasanna.
Ramizuddin Ahmed, Mr.
Ray, Mr. Kamalkrishna.
Ray, Mr. Kiran Sankar.
Ray, Mr. Kishori Puti.
Ray, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Maniendra Bhusan.
Sur, Mr. Harendra Kumar.
Yusuf Ali Choudhury, Mr.
Zaman, Mr. A. M. A.

NOES.

Abdul Aziz, Maulana M.
Abdul Bari, Maulvi.
Abdul Hafiz Mr. Mirza.
Abdul Hafiz, Mia, Mr.
Abdul Hakeem, Mr.
Abdul Hakim Vikrampuri, Mr. Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Ghuh, Maulvi
Abdul Jabbar, Maulvi.
Abdul Kader, Mr.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.

Abdur Razzak, Maulvi.
Abdus Shahood, Maulvi Md.
Ahkur Raza Chowdhury, Khan Bahadur.
Abul Hashim, Maulvi.
Abul Hossain, Mr. Ahmed.
Abul Quasem, Maulvi.
Acharyya Chowdhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Aftab Hossain Ispahani, Maulvi.
Ahmed Ali, Khan Sahib Maulana Enayetpuri.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur.
Aminullah, Maulvi.
Amir Ali, Md. Mia.
Armstrong, Mr. W. L.
Ashrafali, Mr. M.
Asiad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Bannerman, Mr. H. C.
Barat Ali, Mr. Md.
Barma, Babu Premhari.
Barma, Mr. Puspajit.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Biswas, Babu Lakshmi Narayan.
Brasher, Mr. F. C.
Campbell, Sir George, Kt.
Clark, Mr. I. A.
Cooper, Mr. C. B.
Greenfield, Mr. L. M.
Das, Mr. Asoknl Chandra.
Das, Mr. Kirit Bhusan.
Das, Mr. Monmohan.
Dass, Babu Debendra Nath.
Edgar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Banu Khanam, Begam.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Ferguson, Mr. S. H.
Gammeter, Mr. E. C.
Ginsuddin Ahamed Chowdhury, Mr.
Golam Sarwar Hossaini, Mr. Shah Syed.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Gurung, Mr. Dumber Singh.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hassanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur.
Hasina Morshed, Mrs.
Hatemally Jamadar, Khan Sahib.
Haywood, Mr. Rogers.
Hendry, Mr. David.
Hirtzel, Mr. H. A. F.
Idris Ahmed Mia, Mr.
Ispahani, Mr. M. A. H.
Jalaluddin Ahmad, Khan Bahadur.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Sahib.
Kazem Ali Mirza, Sahibzada Kawas Jah Syed.
Khaitan, Mr. Debi Prosad.
MacLaurinan, Mr. C. S.
Mafizuddin Ahmed, Mr.
Mafizuddin Chowdhury, Maulvi.
Maguire, Mr. L. T.
Mahtab, Maharajkumar Uday Chand.
Mahtabuddin Ahmed, Khan Bahadur.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Sasha Behari.
Mandal, Mr. Sirat Chandra.
Mandal, Mr. Jagat Chandra.
Mandal Mr. Jogendra Nath.
Mandal Mr. Krishna Prasad.
Maniruddin Akhand, Maulvi.
Masud Ali Khan Panni, Maulvi.
Miles, Mr. C. W.
Miller, Mr. S.
Milne-Robertson, Mr. C. E. L.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Mozamel Huq, Maulvi Md.
Mohammad Afzal, Khan Sahib Maulvi Syed.
Mohammad Ali, Khan Bahadur.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Siddique, Dr. Syed.
Muhammad Sulaiman, Mr.
Mullick the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawai Haque, Mr. Syed.
Mustafa Ali Dewan Sahib, Mr.
Nandy, the Hon'ble Maharaja Sris Chandra, of Kasimbazar.
Nasrullah, Nawabzada, K.
Nasser Ali, the Hon'ble Maulvi Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Nimmo, Mr. T. B.
Nooreddin, Mr. K.
Patton, Mr. W. C.
Pani, Sir Hari Sankar, Kt.
Premanik, Mr. Taraicharan.
Rahman, Khan Bahadur A. M. L.
Raikat, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Samiruddin Ahmed, Mr.
Ray Chowdhury, Mr. Birendra Kishore.
Razaur Rahman Khan, Mr.
Roy, Babu Patiram.
Roy, the Hon'ble Sir Bijoy Prasad Singh, K.
Ray, Mr. Dhananjoy.
Roy, Rai Bahadur Kshirod Chandra.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sarkar, the Hon'ble Mr. Nalini Ranjan.
Sassoon, Mr. R. M.
Sen, Rai Bahadur Jogesh Chandra.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shahedali, Mr.
Shamsuddin Ahmed Khandkar, Mr.
Shamsul Huda, Maulana.
Singha, Babu Kshetra Nath.
Steven, Mr. J. W. H.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, Maulvi.
Taperiah, Rai Bahadur Hemanta Lall.
Thakur, Mr. Pramatha Ranjan.

Tofel Ahmed Choudhury, Maulvi Haji.	Wordsworth, Mr. W. C.
Waller Rahman, Maulvi.	Yousuf Mirza.
West, Mrs. Ellen.	Zaher Ahmed Choudhury, Mr.

The Ayes being 75 and Noes being 157 the motion was lost.

Mr. SPEAKER: We now come to amendments Nos. 9 and 14 moved by Maulvi Rajibuddin Tarafdar. I understand that Mr. Tarafdar is going to withdraw these.

The following motions were by leave of the House withdrawn:—

Maulvi Rajibuddin Tarafdar to move that in clause 2(*a*), in lines 1 and 2, for the words "three thousand," the words "two thousand and five hundred" be substituted.

Maulvi Rajibuddin Tarafdar to move that in clause 2(*b*), in lines 1 and 2, for the words "two thousand five hundred rupees," the words "two thousand rupees" be substituted.

Mr. SPEAKER: The effect of amendment No. 5 is the killing of No. 15 and No. 10. That disposes of all the amendments.

The motion that clause 2 stands part of the Bill was put and agreed to.

Adjournment.

The House was then adjourned till 4-45 p.m. on Thursday, the 12th August, 1937, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 12th August, 1937, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, the eleven Hon'ble Ministers and 225 elected members.

STARRED QUESTIONS

(to which oral answers were given)

Secondary Board of Education.

*47. **Dr. H. C. MUKHERJI:** Will the Hon'ble Minister in charge of the Education Department be pleased to state the average annual cost of the additional administrative machinery that has been estimated to run the proposed Secondary Board of Education?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): No estimate has yet been framed. The cost will obviously depend on the extent of the jurisdiction and functions of the proposed board.

Maulvi TAMIZUDDIN KHAN: Is it in the contemplation of Government to establish such a Board?

The Hon'ble Mr. A. K. FAZLUL HUQ: The establishment of a Board has been definitely decided upon. There are two points of minor detail which are now being considered.

A Muhammadan Member: When will the estimates of cost be framed?

The Hon'ble Mr. A. K. FAZLUL HUQ: An estimate can only be framed, as I have said, when the extent of the jurisdiction and functions of the Board have been decided upon. That might take some time.

Maulvi TAMIZUDDIN KHAN: When does the Government expect to bring in the necessary legislation for the establishment of a Board?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not quite sure but I shall try to introduce the Bill in the next session.

Alleged canvassing during general Assembly election by employees of local bodies.

*48. **Mr. SERAJUL ISLAM:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware—

(*i*) that the employees of the Union Boards, Local Boards and the District Board of Jessore took part in canvassing for candidates during the last General Election to the Bengal Legislative Assembly; and

(*ii*) that the employees did so under orders of the authorities of the District Board?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state what action the Government contemplates to take in the matter?

MINISTER in charge of PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Maulvi Syed Nausher Ali): (*a*) (*i*) I happened to be the Chairman of the District Board of Jessore at the time of the last General Election to the Bengal Legislative Assembly and was also a candidate for election to the said Assembly from the Jessore-Sadar Muhammadan Constituency; and it came to my notice at that time that some employees of the District Board took part in canvassing for certain candidates.

(*ii*) No.

(*b*) In view of the answer to (*a*) (*ii*), this does not, strictly speaking, arise. In any event, however, there can be no question of any steps being taken by Government as they have always held the view that the employees of municipal and other local authorities are on a different footing from Government servants, and that in the absence of any general or special order by the local authority concerned, its employees have the rights of ordinary citizens.

Mr. DEBENDRA LAL KHAN: What will be the position where the District Magistrate is the Chairman of the District Board?

The Hon'ble Mr. SYED NAUSHER ALI: The position will be the same as elsewhere. There will be no difference.

Dr. NALINAKSHA SANYAL: Are the employees of District Boards and Municipalities required to follow the service rules of Government?

The Hon'ble Mr. SYED NAUSHER ALI: I think not.

Babu NAGENDRA NATH SEN: With reference to answer (*a*)(*i*), what are the names of the candidates for whom employees of the District Boards took part in canvassing?

The Hon'ble Mr. SYED NAUSHER ALI: I can tell the Hon'ble Member at once that the employees canvassed for the whole lot of candidates from Jessore including the Hon'ble Member who has put this question except perhaps two gentlemen, viz., Mr. Kiran Chandra Sen and Khan Bahadur Asaduzzaman.

Mr. SYED JALALUDDIN HASHEMY: In view of the answer given in (*b*), does that rule apply to employees of the Corporation of Calcutta?

The Hon'ble Mr. SYED NAUSHER ALI: I have made it quite clear in the answer (*b*). If the Corporation authorities decide that the employees should not take part in canvassing, they will be bound not to take part, otherwise it will be open to them to canvass.

Babu NAGENDRA NATH SEN: What action, if any, was taken in respect of officers of district boards, local boards, union boards who took part in canvassing?

Mr. SPEAKER: Order, Order. That question does not arise in view of the answer already given by the Hon'ble Minister.

Rai HARENDRA NATH CHAUDHURI: Is it in the contemplation of Government to issue instructions to persons connected with district boards and to employees of district boards that they are not free to canvass for any candidate?

The Hon'ble Mr. SYED NAUSHER ALI: No present intention.

Rai HARENDRA NATH CHAUDHURI: If not, what are the reasons therefor?

The Hon'ble Mr. SYED NAUSHER ALI: The reasons have already been given in the answer (*b*).

Mr. ABDUL HAKEEM: Who were the Vice-Chairmen of the District Board of Jessore at that time?

The Hon'ble Mr. SYED NAUSHER ALI: My friends over there, namely, Mr. Rasik Lal Biswas and Maulvi Syed Abdur Rauf.

Ballot voting in all local bodies election.

*49. **Mr. ATUL CHANDRA KUMAR:** Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department considering the desirability of introducing the system of ballot voting with symbol as introduced in the last election of the Bengal Legislature in all local boards and union boards elections?

The Hon'ble Maulvi SYED NAUSHER ALI: Yes. The matter is under consideration.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister convinced of the desirability of introducing the ballot system of voting in all elections?

Mr. SPEAKER: That is a question of pure opinion, Mr. Gupta.

Mr. SURENDRA MOHAN MAITRA: Is it not desirable to issue instructions to hold elections by ballot at an early date, because several elections would take place very shortly.

The Hon'ble Mr. SYED NAUSHER ALI: I have already stated that the matter is under consideration and I am afraid I cannot give any time-limit.

Bengal Government Press and recruitment of section-holders.

*50. **Mr. BIRAT CHANDRA MANDAL:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether it is the practice in the Bengal Government Press to recruit temporary or permanent section-holders from amongst the senior hands in the Composing Section?

(*b*) Is the Hon'ble Minister aware that the appointment of new hands from outside or from the apprentices to fill the posts of section-holders causes more overhead charge than the appointment of senior hands in the Composing Section?

(c) If the answer to (b) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government propose to fill the posts of section-holders only by promotion from among the men in the Composing Section? If not, why not?

(d) Will the Hon'ble Minister be also pleased to state—

(i) the number of section-holders in the Bengal Government Press;

(ii) the number appointed from the apprentices since 1920; and

(iii) the number appointed by promotion from expert hands in the Composing Section since that year?

MINISTER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (a) I understand that section-holders are generally appointed by selection from amongst the assistant section-holders, and that selection for the posts of assistant section-holders is made both from senior hands in the Composing Section and from apprentices.

(b) I am informed that this is not the case.

(c) Does not arise.

(d) (i) 11.

(ii) One, promoted from assistant section-holder.

(iii) Ten, 2 direct from compositors, 2 direct from Linotype operators and 6 from assistant section-holders.

Desecration of Hindu sacred places and deities in Pabna.

***51. Babu NARENDRA NARAYAN CHAKRABARTY:** (a) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state—

(i) the number of cases where Hindu sacred places and deities have been defiled by the Muhammadans during the last six months in the district of Pabna; and

(ii) what action, if any, has been taken to arrest the culprits and check the recurrence of such incidents?

(b) Is it a fact—

(i) that a gang of culprits had been arrested; and

(ii) that in the open court they confessed their guilt, and told the court that they did so out of fun?

(c) Is it a fact that the said culprits were let off by the Subdivisional Officer of Serajganj with a simple warning and after taking a bond of Rs. 100 only to keep the peace for a year only?

(*d*) Has any appeal been instituted against the judgment of the said Subdivisional Officer?

MINISTER in charge of HOME (POLITICAL) DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Eleven cases of alleged desecration have been reported since February, 1937. All these cases were investigated and in three of them charge sheets were submitted, the accused in these cases being Muhammadans. In the remaining cases the evidence forthcoming was not sufficient to bring the charge home to any person of any community. To prevent the recurrence of such incidents the local officers have secured the co-operation of the leading members of both communities and prompt action is taken to investigate every case reported.

(*b*) and (*c*) A copy of the judgment in the case to which reference is made is laid on the table. The order of the trying Magistrate was passed with due regard to the fact that the leading members of both communities in the locality came to an amicable settlement in the matter.

(*d*) No.

Judgment referred to in the answer to clauses (b) (i), (ii) and (c) of starred question No. 51.

Emperor *vs.* (1) Mafizuddin Molla (2) Wazuddin Molla (3) Rahel Molla (4) Ashkar Molla (5) Jenat Molla (6) Iman Molla u/s 295/380/109, I. P. C., and (7) Kazem Pramanik u/s 201/295, I. P. C. Shahazadpur P. S. Case No. 6, dated 14-4-37.

Judgment.

Prosecution case is that on the night of 13-4-37, the first named 6 persons stole an unfinished and headless image of Goddess Kali from the temple of complainant Shadhu Charan Haldar of Bornia, P. S. Shahazadpur. The accused carried the image to a newly purchased house of one Khorshed of their village who is P. W. 2 in the case. The object of the accused as stated and confessed by them was to create a little fun by putting Khorshed and his family to fright as they entered their new house. In the following morning complainant found that the image was missing from his temple and so he reported the matter to others and went out in search. One Lalchand found that the image had been thrown on a ditch near Babulla Molla's house and so he informed the complainant who went to the ditch in question and found the statement correct. Accused No. 7, namely, Kazem Pramanik

happened to be there and so complainant reported to him what had happened. Complainant then deputed Satish and Ganesh to watch the image and himself proceeded to inform one doctor Guru Charan in Gala. Four telegrams were despatched to the address of O/C, Shahazadpur, S. D. O., Serajganj, District Magistrate or S. P., Pabna, and one to Jalpaiguri. Complainant then again returned to the spot and was informed by Satish and Ganesh that Kazem Pramanik had abused and driven them away but that they had succeeded in bringing with them some clay with which the image had been made.

Police reached the scene soon after and investigated the case. The first named 6 accused had in the meantime confessed their guilt before their own *prodhans* as well as to the complainant that they had stolen the image with the object of creating a little fun in the village.

One of these boys made a confession before the Magistrate also. Police submitted charge sheets under section 295/380/109, I. P. C., against accused numbered 1 to 6 and u/s 295/201, I. P. C., against Kazem Pramanik who is alleged to have tried to conceal the evidence of the crime with a view to screen the offenders.

Trial of the case was taken up in the Court on 26-5-37. The complainant concluded his examination-in-chief in the following words: "We have no communal tension of any kind in the village. In fact we have compromised the case not out of any fear or threat held on by any one but because we *prodhans* have settled up our affairs in our own way and do not want to have any dispute." The *prodhans* and parents of the boys have promised to inflict social punishment on the accused. After P.W. 2 had been examined I was informed that all the accused wanted to plead guilty. So charges under sec. 295/426, I. P. C., were framed against the first named accused and under sec. 295/201, I. P. C., against Kajem Pramanik. The accused then was examined under sec. 342, I. P. C., and pleaded guilty to the charges against them. They also said that they would not cross-examine P.Ws. or adduce any defence. So the case was closed for judgment on the same date. Coming now to evidence two witnesses only have been examined in this case but why more witnesses have not been examined has already been mentioned before. The accused have pleaded guilty to the charges and so it is not at all necessary to enter into the merits of the evidence. The prosecution case has been proved beyond doubt. The accused alleged that their intention in removing the image was nothing more than to create a joke in the village by frightening Khorshed and others as they entered in their new house and this has been proved by Khorshed and also who said that he found the headless image in his south-facing hut of the new house and it was he who threw it in the ditch. From this it may be presumed that accused did not remove the image with the intention of insulting the religious feeling of the complainant or his community but there is nothing on record

to show that they did not have the knowledge that by the act of removing the image from the temple the accused would wound the feeling of Hindu community. As such I hold that the charge under section 295, I. P.C., has been fully proved against the accused 1 to 6 and I hold them guilty and convict them under sec. 295, I. P. C.

The accused bodily removed an image from the temple and this caused wrongful loss to the complainant though it did not cause any wrongful gain to the accused, so the charge under section 426, I.P.C., also has been satisfactorily proved against the accused and I hold them guilty under that section and also convict them.

As regards Kazem Pramanik, the evidence of P. W. 1 and 2 persons that he attempted to destroy evidence of the offence under sec. 295, I.P.C., committed by the first 6 accused and that his intention was to screen the offenders. He has pleaded guilty to the charge and I hold him guilty and convict him under sec. 295/201, I.P.C. Coming now to the punishment that should be inflicted on the accused it is to be observed that the accused though guilty of an offence under section 295/426, I.P.C., did not have that malicious intention of wounding the religious feelings of a sister community which is the chief factor on making the offence so grave. It is clear that the predominating element in the intention of the accused was otherwise, *i.e.*, to create a little joke though they must be held responsible for their knowledge that such an act would hurt the feeling of their Hindu neighbours.

In the second place, the persons whose feelings have been hurt have compromised the case with the accused and are not anxious to continue the dispute that had arisen in the village which it appears has been free from any communal tension. In the third place, the first 6 accused are all young boys none of whom appears to be above his teens.

Under the circumstances, it would be very undesirable indeed to impose a sentence of imprisonment without giving the accused any opportunity to feel repented and re-establish by their future good behaviour that peace and tranquillity and that atmosphere of brotherly and neighbourly feeling that the Hindus and Muhammadans of Bornia village appear to have enjoyed all along till the commission of this regrettable and condemnable mischief.

I trust that the action that I propose to take against the accused u/s 562, Cr. P. C., will have its full and desired effect. I order that the first 6 accused be released on their entering into a bond of Rs. 200 each with two sureties of Rs. 100 each to keep the peace and be of good behaviour for a period of 12 months u/s 562, Cr. P. C., and to appear and receive sentence when called upon during this period u/s 295, I. P. C. With regard to the sentence u/s 426, I. P. C., the accused are ordered to be released after being admonished.

Accused Kazem Pramanik is not below 20 but in view of the circumstances already discussed I order that Kazem Pramanik also be released on his entering into a bond of Rs. 200 with two sureties of Rs. 100 each to keep the peace and be of good behaviour u/s 562, Cr. P. C., and appear and receive sentence before the Court u/s 295/201, I.P.C., when called upon to do so during next 6 months.

Sd. S. M. ISHAQUE, I.C.S.,

S. D. O., Serajgang.

3-6-37.

Rai HARENDRA NATH CHAUDHURI: What endeavours were made to collect sufficient information in those cases in which charge sheets could not be made?

The Hon'ble Khwaja Sir NAZIMUDDIN: Every endeavour has been made, Sir.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister kindly state the name of the Subdivisional Police Officer when the alleged desecration took place?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. ABDUR RASCHID MAHMOOD: Was not the investigating officer a Hindu?

The Hon'ble Khwaja Sir NAZIMUDDIN: In certain cases they were Hindu gentlemen.

Mr. RASIK LAL BISWAS: (In Bengali.) What were the terms of those amicable settlements?

The Hon'ble Khwaja Sir NAZIMUDDIN: The judgment is there and it is stated therein as to what settlement was made?

Rai HARENDRA NATH CHAUDHURI: What are the reports on which the Hon'ble Minister satisfied himself that sufficient enquiry had been made?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government asked the Commissioner of the Division to submit a report and from a perusal of that report I am satisfied that every effort is being made in all cases to get at the person who perpetrated the desecration?

Maulvi AZHAR ALI: Who was the Assistant Superintendent of Police at that time?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. RASIK LAL BISWAS: (In Bengali.) Is it not a fact that the terms of settlement on the part of the Hindus were to forgive and forget and to withdraw the charges against the culprits?

The Hon'ble Khwaja Sir NAZIMUDDIN: The settlement was a mutual one, both sides having come to an agreement. Whatever the settlement was, was agreed to by both sides.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister lay on the table a copy of the report that has been received from the Commissioner of the Division?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Mr. ABDULLA-AL MAHMOOD: Is it a fact that from the circumstantial evidence of Mr. S. N. Ghose, Assistant Subdivisional Police Officer, it transpires that at the back of all these incidents a Hindu gentlemen was involved?

Mr. SPEAKER: I would appeal to both sides of the House to kindly refrain from putting more questions on the subject although I cannot stop any, which might further exacerbate the good feelings of both the communities. I appeal to you not to create a situation by which that good feeling will be disturbed.

Mr. RASIK LAL BISWAS: (In Bengali.) Is it not a fact that when the Police Officer went to Bethkandi and when it was stated by a Muhammadan witness that the students of the Nukali School might have done so, the investigating officer took no notice of that?

The Hon'ble Khwaja Sir NAZIMUDDIN: May I state as a general proposition that the importance that has been given to these incidents is not reflected in the tension between the Hindus and the Muhammadans. On that point the report of the Commissioner is definite and I would echo the appeal which has been made by you in this connection. At the present moment, the district is practically very quiet and there have been no recurrence of such incidents. I do not think, therefore, that any useful purpose would be served by raising these questions.

SHORT-NOTICE QUESTIONS.

Hunger-strike in the Alipore Central Jail.

Mr. DHIRENDRA NATH DATTA: (*a*) Will the Hon'ble Minister in charge of Home (Jails) Department be pleased to state if it is a fact that ten political prisoners in the Alipore Central Jail have been on hunger-strike since August, 4th?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to give their names with their native districts?

(*c*) Was any petition received by the Hon'ble Minister from those prisoners formulating their demands? If so, when?

(*d*) Did the Hon'ble Minister make any attempt after the receipt of the petition to persuade them not to resort to hunger-strike?

(*e*) Did he move in the matter before the hunger-strike was resorted to with a view to avoid it?

(*f*) Is the Hon'ble Minister willing to accede to the demands of the strikers or to part of them for ending the strike?

(*h*) Will the Hon'ble Minister be pleased to state what are the demands?

(*i*) What steps, if any, the Hon'ble Minister proposes to take to end the strike immediately?

(*j*) Is the Hon'ble Minister willing to allow Mr. Sarat Chandra Bose, Leader, Congress Assembly Party, and Maulvi Samsuddin Ahmed, Deputy Leader, Krishak-Praja Party, to see the prisoners with a view to influence them to give up the strike?

(*k*) Is the Hon'ble Minister prepared to issue daily bulletins regarding the health of the strikers in order to relieve their relatives of the anxieties?

Mr. SIBNATH BANERJEE: (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(*i*) whether sixteen political prisoners are on hunger-strike to-day in Alipore Jail;

(*ii*) whether (1) Benoy Choudhury (Burdwan), (2) Sitanath Dey (Faridpur), (3) Ajitlal Majumdar (Faridpur), (4) Sudhir Ghose (Howrah), (5) Kanan Goswami (Midnapore), (6) Debaprasad Sen (Tipperah), (7) Bimal Chakravarty (Dacca), (8) Pabitra Roy (Khulna), (9) Manoranjan Sen (Chittagong), (10) Syam Binod Paul (Dacca) are on hunger-strike since 4th August;

(*iii*) whether (1) Bhagat Singh (Punjab), (2) Haridas Bhattacharya (Dacca), (3) Monomohan Chakravarty (Benares), (4) Debendra Singha (Dacca), (5) Nagendra Modak (Mymensingh), (6) Bhola Mukherjee (Howrah) are on hunger-strike since 8th August;

(*iv*) whether it is a fact that the conditions of Kanan Goswami and Pabitra Roy are serious;

(*v*) whether it is a fact that the demands of the strikers are—

(1) release of all political prisoners and detenus unconditionally,

(2) abolition of penal settlement for political prisoners in the Andamans,

(3) uniform classification of all political prisoners not below the standard of Division II, and

(4) repeal of all repressive laws and ban on exiles,

(*vi*) whether it is a fact that the political prisoners had sent several petitions to the jail authorities, His Excellency the Governor of Bengal and the Hon'ble Chief Minister;

(*vii*) whether it is a fact that nothing was done by the authorities to redress their grievances;

(*viii*) what steps, if any, have been taken by the jail authorities, His Excellency the Governor and the Chief Minister; and

(*ix*) the contents of the petitions to the authorities and telegrams to the Chief Minister:

(*b*) Are the Government considering the desirability of laying the copies of the petitions and telegrams on the table?

The Hon'ble Khwaja Sir NAZIMUDDIN: With your permission, Sir, I propose to answer Mr. Dhirendra Nath Datta's and Mr. Sibnath Banerjee's questions together.

I would like to take this opportunity to inform the House about the position in regard to the hunger-strike which is now proceeding in the Alipore Central Jail. On the 4th of August, 36 terrorist convicts addressed a communication to the Chief Minister in which they formulated what they called their minimum demands which were as follows:—

(*i*) Declaration of a general amnesty to mean unconditional release of all State-prisoners, detenus, and of all convicted political prisoners.

(*ii*) Withdrawal of all orders of internment bans on exiles, all such orders which restrict or prohibit the political institutes and workers thereof to carry on their normal business and repeal of all repressive laws.

(*iii*) Framing of rules and regulations as part of the jail code for the treatment of the political prisoners in a single class, providing a standard not lower than the present Division II prisoners with the full facilities of intellectual requirements.

(*iv*) Permanent abolition of Penal settlement of the system of deporting political prisoners at Andamans and consequently immediate repatriation of all the political prisoners in one jail.

(*v*) Leper and Tuberculosis patients should be treated in the Leper Asylum and T. B. hospitals outside.

On the same day they addressed a communication to His Excellency the Governor informing him that they would resort to a hunger-strike if His Excellency failed within six hours to comply with their demands. These communications were received in the Home Department on the 5th of August. On the previous day the following began a hunger-strike: —

(1) Manoranjan Sen.
(2) Pabitra Kumar Roy.
(3) Shyam Benode Pal Chaudhury.
(4) Sita Nath De.
(5) Ajit Lal Majumdar.
(6) Benoy Krishna Chaudhury.
(7) Sudhir Chandra Ghose.
(8) Deb Prosad Sen Gupta.
(9) Kanan Behary Goswami.
(10) Bimalendu Chakraburtty.

They were joined on the 8th August by three others—

(11) Mon Mohan Chakraburtty.
(12) Haridas Bhattacharjee.
(13) Bhakat Singh.

And on the 9th of August by four more—

(14) Ranjit Roy Chaudhury.
(15) Nagendra Nath Modak.
(16) Bhola Nath Mukherjee.
(17) Debendra Nath Saha.

I have not been able to ascertain to what districts they belong.

I regret to have to add that thirty-one detenus in the Presidency Jail have begun a hunger-strike in sympathy with the convicts in the Andamans.

Government are not prepared to consider any of the demands so long as the strike continues.

If any member of the House wishes to see the prisoners in order to induce them to take their food, I should be very glad if he would see me and discuss the matter. I am not prepared to issue periodical bulletins regarding the health of the prisoners, but the officers of the Jail will communicate with the relatives of any prisoner whose health gives cause for anxiety. I understand that there is no cause for anxiety in any case.

Mr. SANTOSH KUMAR BASU: What exactly is meant by his reply that Government are not prepared to consider any of the demands so long as the hunger-strike continues? Does it mean that Government are prepared to go to the length of contemplating the death of each and every one of the hunger-strikers before any action is taken in the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: We hope that the hunger-strikers will give up the hunger-strike.

Mr. SANTOSH KUMAR BASU: Does the Hon'ble Minister desire to convey to the House that they are proceeding on the hope that they will give up the strike and that they have not yet contemplated the possibility of their succumbing to the hunger-strike?

The Hon'ble Khwaja Sir NAZIMUDDIN: Might I submit that this is purely an argument. This question has been recently discussed in the House and the House has given its verdict on the policy of Government.

Mr. SANTOSH KUMAR BASU: Is the Government proceeding on the plea that because the House has given its verdict he is prepared to contemplate the death of these hunger-strikers rather than to concede to their demands?

Mr. SPEAKER: Order, order. You cannot draw any conclusion from a decision of the House which might in a manner impute a motive to such decision.

A member: Will the Hon'ble Minister be prepared to take any means, if the prisoners continue the hunger-strike for more than ten days, to dissuade them from that path?

The Hon'ble Khwaja Sir NAZIMUDDIN: Our officers are trying their level best to persuade these men to give up the hunger-strike, and Government are prepared to give every facility to relations to come and persuade those men who are here to give up hunger-strike.

Mr. SANTOSH KUMAR BASU: On a point of personal explanation. I was not suggesting any imputation to the decision of the House in any way. I was merely asking the Home Minister to state whether he has interpreted the decision of the House to mean that the House desires that even if these hunger-strikers succumb to the hunger-strike and die, Government need not do anything either way—either by their death or by voluntary abandonment.

Mr. BIRENDRA NATH MAZUMDAR: Will the Government be pleased to consider their cases favourably in case they give up the hunger-strike?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already enunciated the Government policy on this question on the occasion of the adjournment motion moved in this House.

Babu NAGENDRA NATH SEN: Is it the policy of Government that even though the grievances may be just, simply because the prisoners are hunger-striking, they will not enquire into those grievances?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would like to state here that if there is any grievance which is not against the existing rules and regulations and which are not being followed, Government is prepared to go into that immediately and rectify it; but if it is a grievance which requires a change in the rules, Government are not prepared to go into it.

Mr. KIRAN SANKAR ROY: Is the Hon'ble Home Minister prepared to visit the hunger-strikers himself and have a discussion with them about their grievances?

The Hon'ble Khwaja Sir NAZIMUDDIN: The Chief Minister is contemplating to visit the hunger-strikers, and I may also accompany him or may go separately, if I find that it would be useful.

GOVERNMENT BILL.

The Bengal Ministers' Emoluments Bill, 1937.

A member: On a point of order, Sir. The Government of India Act——.

Mr. SPEAKER: I have understood your point of order. If you will hold your patience for a little while, I think the Hon'ble Mr. Fazlul Huq will solve your point.

The Hon'ble Mr. A. K. FAZLUL HUQ: Before you take up the consideration of clause 3 of the Bill, may I, with your leave and the leave of the House, make a statement regarding this clause which relates to the allowances to be given to the Ministers? The support that has been given by the members of this House who have so long been loyally supporting us has been extremely gratifying and we are always ready to abide not merely by the decision conveyed through votes in this House, but also by their opinion conveyed to us informally and unofficially. We are convinced that although they are prepared to support the proposal contained in this clause should this matter be discussed and brought to a decision, they think it would be better if we did not claim to have this allowance. On our part we have decided out of deference to their wishes not to press for the allowance proposed in this clause. I will, therefore, request my hon'ble friend the Finance Minister not to press this clause.

The Hon'ble Mr. NALINI RANJAN SARKER: I beg leave to withdraw clauses 3 and 4.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. Is it permissible for the member in charge of the Bill to withdraw a part of the Bill?

Mr. SPEAKER: It is quite permissible to withdraw any particular section: he did not move it at all. There is no bar to his doing so. If you can point out how he cannot do it, I shall be very glad. As I see it, this particular clause has been abandoned.

Mr. SARAT CHANDRA BOSE: Will you give me permission to draw your attention to any rule which relates to withdrawals of Bills—rule 73 of the Bengal Legislative Assembly Rules and Standing Orders?

Mr. SPEAKER: I quite see your point. That rule gives a specific power to a member in charge to withdraw the whole Bill. I hope you will agree with me that it does not necessarily connote that he cannot withdraw a part of the Bill.

Mr. SARAT CHANDRA BOSE: I wish very much I could agree with you, but I am afraid it is contrary to Parliamentary practice.

Mr. DEBI PROSAD KHAITAN: On a point of information, Sir. The Hon'ble the Finance Minister has been pleased to state that he is dropping clauses 3 and 4 of the Bill. May I enquire what will be the position of Ministers in the future as regards drawing of travelling allowances? Is it the intention to forego travelling allowances altogether?

The Hon'ble Mr. NALINI RANJAN SARKER: Travelling allowances are governed by the Fundamental Rules, if there is no provision under clause 3 (*a*), (*b*) and (*c*).

Mr. SYED JALALUDDIN HASHEMY: Clause 3A is an absolutely new clause. Will it not be permissible to move any motion for the insertion of a new clause 3A with the leave of this House?

Mr. SPEAKER: I think the question will not arise at all. Unless the question of allowance for motor cars is brought in, the whole aspect of the Bill will be changed, because I will call upon Mr. Sarker to move a short-notice amendment to delete the words "and allowances" from the Preamble. Of course it is for the House to decide in what form it will stand. If those words are withdrawn, then your amendment will not be in order.

Mr. SANTOSH KUMAR BASU: On a point of order, Sir. Has not the Preamble been passed by the House?

Mr. SPEAKER: No.

Dr. NALINAKSHA SANYAL: May I know what will be the result of this withdrawal? Shall we not have an opportunity to vote on the Bill as a whole?

Mr. SPEAKER: After the different clauses are passed, the Bill as amended will be placed before the House for the third reading.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, why do you attribute to him so much knowledge of constitutional matter?

Mr. SARAT CHANDRA BOSE: I hope you will not mind the superciliousness on the part of Mr. Suhrawardy.

Mr. SPEAKER: Order, order, Dr. Sanyal, do you seriously contend so? If you do, I will request Mr. Sarker to move a short-notice amendment to the effect that clauses 3 and 4 be deleted.

The Hon'ble Mr. NALINI RANJAN SARKER: I beg to move that clauses 3 and 4 of the Bill be deleted.

Dr. NALINAKSHA SANYAL: There is a technical objection and this cannot be done by the member in charge.

Rai HARENDRA NATH CHAUDHURI: The Bill is in possession of the House and how can he withdraw a part of it without the leave of the House?

Mr. SPEAKER: I am not putting an withdrawal motion. I am putting the short-notice amendment that clauses 3 and 4 be deleted.

The motion was put and agreed to.

The Hon'ble Mr. NALINI RANJAN SARKER: I beg to move that the words "and allowances" be deleted from the Preamble.

The motion was put and agreed to.

The motion that the Preamble as amended stands part of the Bill was put and agreed to.

The Hon'ble Mr. NALINI RANJAN SARKER: I beg to move that the Bill as settled in Assembly be passed.

Dr. NALINAKSHA SANYAL: May I rise on a point of order? I beg to draw your attention to section 82 (*3*) of the Government of India Act which says "A Bill which if enacted and brought into operation would involve expenditure from the revenues of a province shall not be passed by a Chamber of the Legislature unless the Governor has recommended to that Chamber the consideration of the Bill". We have not had so far any communication from the Governor informing us that he has recommended the passing of this Bill. Will you, Sir, kindly let us know what the position is in this respect?

Mr. SPEAKER: I am glad Dr. Sanyal has raised a very interesting point about the scope of section 82. I do not think this clause is covered by 82(*3*). If it was so, then your objection would have been pertinent. I consider that, it is governed by section 82 (*1*) and I hope Dr. Sanyal will remember that on the interpretation of section 82 (*1*)

depends the constitutional right of this House as to what measures can be brought here and what cannot be. If he considers that point, then I take it that the only interpretation possible is that any Bill or amendment which means the appropriation of public revenues in any character can only be taken in this House and cannot be introduced or moved except on the recommendation of the Governor. I would ask Dr. Sanyal to remember also the difference in language between 82 (*1*) (latter part) and 82 (*3*). In the first part it says "shall not be introduced or moved except on the recommendation of the Governor" and 82 (*3*) says "shall not be passed by a Chamber." I may further draw attention to the difference between the first part and the second part. In the first part it merely says "on the recommendation of the Governor" and the second part says that it must be recommended by the Governor to the Chamber. This difference in language must have been deliberately done. In the first part recommendation to the Chamber is not necessary, all that is necessary is the recommendation of the Governor. I hope you will also realise that Governor means executive government in this House. Under this section any Finance Bill which in England is called Money Bill may be brought in. So far as section 82(*3*) is concerned it is not a Bill which means direct expenditure. It means that any expenditure which comes as a necessary consequence of that. Were it otherwise, it will jeopardise the constitutional right of this House to deal only with matters of appropriation of revenues. So far as this Bill goes, it is in the nature of an appropriation.

Dr. NALINAKSHA SANYAL: Sir, I have very patiently heard your argument. There is a considerable feeling of satisfaction on this side of the House when you say that you are prepared to do away with certain provisions of this Act which might be interpreted as bringing in His Excellency the Governor in certain matters of financial nature. We on this side of the House will be glad to have that interpretation from you and to have that maintained for future debate. I am afraid, however, Sir, that section 82 (*1*) specifically mentions in sub-sections (*a*), (*b*) and (*c*) three definite measures of financial nature. Section 82 (*1*) (*a*) says something about imposition or increasing any tax; (*b*) stands for regulating the borrowing of money, of the giving of any guarantee by the Province, or for amending the law with respect to any financial obligations; (*c*) stands for declaring any expenditure to be expenditure charged on the revenues of the Province. These are very definite and specific matters which are covered by section 82(*1*) and the proviso that we find at the bottom refers only to these specific matters and nothing beyond that. I submit that beyond that if any Bill has to be taken up which has its effect on the expenditure of the province, that is, which would involve expenditure from the revenues of the province, it shall not be passed by the Chamber unless the Governor has recommended to the Chamber the consideration of the Bill. Here is

the difficulty. If there were no specified items under section 82 (*1*), I would certainly most gladly accept the interpretation that you were going to give.

The Hon'ble Mr. H. S. SUHRAWARDY: May I point out for the benefit of all astute constitutional lawyers in this House that "Governor" does not refer to His Excellency the Governor as such, but refers to the Governor on the advice of his Ministers, namely, the Government.

Mr. SPEAKER: I hope I will not be required at this stage to read out an elaborate note but if the House has got the time later on, I am prepared to read out a full note on the subject which I am drafting for the time being. But I have come definitely to the conclusion not only from a reading of the section of the Statute or the law which is used here, but also from the recommendation of the Joint Committee's Report and the White Paper that these sections are based upon the principle which must be the foundation of any sound system of finance that no proposal for imposition of taxation or for the appropriation of public revenues or any proposal affecting or imposing upon a charge on the finances can be made without the recommendation of the Governor, that is to say, it can only be made upon the responsibility of the executive Government. I hold definitely that section 82 (*1*) means something in the nature of appropriation of public revenues or what is called in England, Money Bill, which, by its direct implication, brings in financial expenditure. In that view I hold that this is under section 82 (*1*) and I do it in full consciousness of the fact that it is my duty to vindicate the constitutional rights of this House. I hold that this Bill comes under 82 (*1*) and it will be governed by the principle of Money Bill in England. So far as section 82 (*2*) is concerned, this question does not arise.

Dr. NALINAKSHA SANYAL: May I take it then that you do not think it necessary for the recommendation of the Governor so far as this Bill is concerned?

Mr. SPEAKER: I am trying to explain to you clause 82 (*3*) which means recommendation to the Chamber: 82 (*1*) does not mean recommendation to the Chamber, it is on the recommendation of the executive Government.

Dr. NALINAKSHA SANYAL: When the Hon'ble Finance Minister first moved he did not say "on the recommendation of the Government." It is for the Speaker to see whether that requisite has been done or not.

Mr. SPEAKER: The House can come in only with regard to section 82 (*3*), but the admissibility on the ground of the recommendation of the Governor under section 82 (*1*) is for the Speaker and the Speaker is exercising his right.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I have already moved that the Bill as settled in the Assembly be passed.

The motion that the Bill as settled in the Assembly be passed was put and agreed to.

The Bengal Legislative Chambers (Presidents' and Speakers' Emoluments) Bill, 1937.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to introduce a Bill to fix the emoluments of the President and Deputy President of the Bengal Legislative Council and of the Speaker and Deputy Speaker of the Bengal Legislative Assembly.

(The Secretary then read the short title of the Bill).

I also beg to move that the said Bill be taken into consideration.

The motion was put and agreed to.

Clause 1.

The motion that clause 1 stands part of the Bill was put and agreed to.

Clause 2.

Mr. Md. ABUL FAZL: I beg to move that in clause 2 (*b*), in line 2, for the words "two thousand," the words "nine hundred" be substituted; and

In clause 2(*a*), in lines 2 and 3, for the words "one thousand and five hundred" the words "seven hundred and fifty" be substituted;

In clause 2 (*c*), in line 2, for the words "two thousand", the words "one thousand" be substituted; and

In clause 2 (*d*), in line 2, for the words "three thousand," the words "one thousand" be substituted.

Sir, the object of the introduction of these amendments is that if these officers accept less salaries they can try to cut the salaries of other officers and then try to induce Imperial Service men to accept lower salaries. Bengal is a poor country. We must look to the millions of half-fed people whom we represent in this Assembly, and we should try so far as lies in our power to ameliorate their condition, and if these officers accept lower salaries we shall be able to do something for the poor by the money thus saved.

Mr. P. BANERJI: Sir, I beg to move that in sub-clause (*a*) of clause 2, line 2, the words "one thousand" be omitted, and in sub-clause (*b*) of clause 2, line 2, for the words "two thousand," the words "five hundred" be substituted.

Sir, I move these two motions for the simple reason that we feel that the salary of both the President and the Speaker of the House should not be more than Rs. 500, and that was also my view in the previous Bill. It is true, argument will come forward that in case of Ministers we could not succeed in getting our motions through in this House for Rs. 500, the question will naturally arise why we insist on Rs. 500 to be the salary of the President and the Speaker. It will be found that already the executive Government have fixed the salaries of these two persons who hold more exalted position than the Ministers and who are the custodian of the honour of this House and the Upper House at a lesser rate than the Ministers. As was pointed out by many speakers in course of that debate, the Ministers will not be amenable to reason. As they hold the power, they will exercise it to their highest limit and they seem to be very generous to-day by conceding not to draw house allowance or motor car allowance. Sir, that does not matter much in view of the fact that the salaries they have fixed are too much considering the circumstances of the people. As I have pointed out, the Ministers will not agree to accept any smaller salary and it has been proved beyond doubt that they have not come here to take up this administration from the point of service and sacrifice. But I do hope, Sir, that the Hon'ble Speaker and the President who, as I have pointed out, hold more dignified position will make this sacrifice. With these few words I move these motions.

The following motions were put and lost:—

Mr. Md. Abul Fazl to move that in clause 2(*a*), in lines 2 and 3, for the words "one thousand and five hundred", the words "seven hundred and fifty" be substituted.

Mr. P. Banerji to move that in sub-clause (*a*) of clause 2, line 2, the words "one thousand" be omitted.

Mr. Md. Abul Fazl to move that in clause 2(*b*), in line 2, for the words "two thousand," the words "nine hundred" be substituted.

Mr. P. Banerji to move that in sub-clause (*b*) of clause 2, line 2, for the words "two thousand", the words "five hundred" be substituted.

Mr. Md. Abul Fazl to move that in clause 2(*c*), in line 2, for the words "two thousand," the words "one thousand" be substituted.

Mr. Md. Abul Fazl to move that in clause 2(*d*), in line 2, for the words "three thousand," the words "one thousand" be substituted.

The motion that clause 2 stands part of the Bill was put and agreed to.

Dr. NALINAKSHA SANYAL: May I, Sir, rise on a point of order? I have to draw your attention to section 65(*4*) of the Government of India Act where the provision for the salaries of Speaker, Deputy Speaker and President are provided for. In that sub-section there is no provision made for allowances. The sub-section says—

"There shall be paid to the Speaker and the Deputy Speaker of the Legislative Assembly such salaries as may be respectively fixed by Act of the Provincial Legislature, and until provision in that behalf is so made, such salaries as the Governor may determine."

Under the circumstances, I submit, Sir, that the motion for payment of allowances would be out of order.

Mr. SPEAKER: As a matter of fact it is not the function of the Speaker to hold in this case whether anything which is brought in any Bill is out of order. If it is out of order, then even though it is passed it will not have any validating effect. I hope that Dr. Sanyal will refrain from putting me in a very delicate position in having to give my ruling on any point concerning the Speaker. But I can say this much that the expression "allowances" is used only for the purpose, as I read it, of making it "charged" on the revenues of the Province under section 4(*4*). The real intention of this legislation is that the salary and allowances, if any, should not be discussed year after year on the floor of the House. I read that as the real intention behind this provision. But as regards the merit of the question, I would request my friends to refrain from putting me in a difficult position. If subsection (*4*) is passed, both the salaries and allowances will be a "charge" on the revenues of the Province; and in that view it will not be a matter to be annually voted by the House. It is obviously for this reason that anything concerning the emoluments of the Speaker and I speak irrespective of personal considerations, should not ordinarily be discussed on the floor of the House. As I have said, I hope the House will not ask for any ruling on this matter which concerns the Speaker himself.

Clause 3.

Babu RASIK LAL BISWAS: Sir, I beg formally to move that sub-clauses (*a*) and (*b*) of clause 3 be omitted.

Mr. SYED JALALUDDIN HASHEMY: Sir, I beg to move that sub-clause (*a*) of clause 3 be omitted.

Sir, in view of the assurance given and the statement by the Hon'ble Chief Minister with regard to their allowances, I thought that a similar statement would be made with regard to the house allowances of the Speaker and the President. It is a very delicate question in

view of the fact that the Ministers themselves have refused to take such allowances whatsoever. I hope therefore that the Chief Minister will rise up and make a similar statement withdrawing these allowances. With these words I move my amendment.

Mr. SYED JALALUDDIN HASHEMY: Sir, I beg to move that clause 3(*b*) be omitted.

Sir, in moving this amendment I beg to submit that in my previous amendment regarding the Ministers' allowances I wanted to introduce a new clause for supplying a motor car to each Minister. That provision has been withdrawn by the Hon'ble Finance Minister. As that provision has been withdrawn, I move that no motor allowance be similarly given to the Hon'ble President and the Hon'ble Speaker. It seems anomalous that, as the Ministers are not taking any motor car allowances, the Hon'ble President and the Hon'ble Speaker can claim motor car allowance from public revenues. With these few words I move my amendment.

Clauses 3, 4 and 5.

Short-notice Amendment.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, may I have your permission to move the following amendment on short-notice:—

I beg to move that clauses 3 and 5 of the Bill be omitted, and that the words "and allowances" be omitted from clause 4.

Mr. SPEAKER: Mr. P. Banerji, it simplifies your motion.

The motion that clauses 3 and 5 be omitted was put and agreed to.

The motion that the words "and allowances" in clause 4 be omitted was put and agreed to.

Clause 4.

Mr. P. BANERJI: Sir, I beg to move that clause 4 be omitted.

In doing so I must tell the House that we are not prepared to give a blank cheque—and I do not think it will be wise on the part of this House—to give away our power to the executive Government. The Government of India Act has made no provision in this respect and kept it open entirely to be decided by the members of this House year after year. The Hon'ble Minister has, in the Statement of Object and Reasons, pointed out that it is undesirable that the salaries should be liable to reduction as the result of the vote of this Council on the annual estimates of expenditure, if the legislature is not satisfied it

can express it by taking action under section 65 of the Government of India Act. Now, Sir I think such an occasion will never arise, as we know from past experience that it never did. If the Hon'ble Member be pleased to look into the debates of the previous years, he would find that the question arose year after year for reducing the salaries and allowances of Ministers, but there the question was never raised at any time about the salary drawn by the President or the Deputy President. That being the case, the argument put forward by the Hon'ble Finance Minister does not seem to be tenable. I would therefore appeal to the members of the House to consider whether it is advisable to give up our power and to give it into the hands of the executive.

The motion was put and lost.

Mr. SPEAKER: Mr. Sarker, will you now move that in the Preamble the word "salaries" be substituted for the word "emoluments," because allowances have now been taken away and what now remains is only the salary?

I have already put the question of the deletion of "allowances."

The Hon'ble Mr. NALINI RANJAN SARKER: I will move my amendment to the Preamble when clause 4 has been disposed of.

The motion that clause 4, as amended, stands part of the Bill was then put and agreed to.

Preamble.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that in the Preamble the word "Emoluments" be replaced by the word "salaries."

The motion was put and agreed to.

The motion that the Preamble, as amended, stands part of the Bill was put and agreed to.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that the Bill as settled in Assembly be passed.

The motion was put and agreed to.

The Bengal Legislative Chambers (Members' Emoluments) Bill, 1937.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to introduce a Bill to fix the salaries and allowances of Members of the Bengal Legislative Chambers.

(The Secretary then read the short title of the Bill.)

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that the Bill be taken into consideration.

The motion was put and agreed to.

Clause 1.

Mr. Speaker: I understand there are some amendments to clause 1.

Babu PREMHARI BARMA: Mr. Speaker, Sir, I beg to move that for clause 1(*2*) the following be substituted, namely, "(*2*) It shall be deemed to have come into force from the first day of April, 1937."

Sir, the object of this amendment is to give retrospective effect to the provisions of this Bill. The question may arise whether retrospective effect can be given at all. In my opinion, there is no such bar. There is nothing in the Government of India Act which prevents provincial legislatures to give retrospective effect to any enactments made by the provincial legislature.

Sir, provincial autonomy came into existence on the first day of April of this year, and the Ministers took over the charge of Government on that day. The members of the legislature were also elected before that day. The Ministers have been drawing their salaries, as determined by His Excellency the Governor of Bengal, from the 1st day of April, 1937, on which date they took their oath of office. If the Ministers are entitled to draw their salaries from the date of their taking oath, there is no reason why the members of the legislature should be given their salaries from a different date.

Sir, I have another amendment, viz., amendment No. 14, by which I want to provide that members should get their salaries from the date of their taking oath. Sir, if this amendment is not accepted by the House, there may arise an anomaly in case my amendment No. 14 is accepted by the House. But whether my amendment No. 14 is accepted by the House or not, there is no reason why this retrospective effect should not be given to this enactment, which goes to provide salaries and allowances for members of the legislature. If my amendment No. 14 is accepted, the members will be entitled to get their salaries from the date of their taking the oath; but if that amendment is not accepted, then there will be no harm caused in any way in giving retrospective effect to this enactment.

With these few words, Sir, I commend my amendment to the acceptance of the House.

Mr. SPEAKER: Babu Prem Hari Barma has moved the short-notice amendment standing in his name, viz., that for clause 1 (2), the following be substituted, namely:—

"(2) It shall be deemed to have come into force from the first day of April, 1937."

Maulvi Abul Hashim, Mr. Rasik Lal Biswas, Maulvi Fazlur Rahman Mukhtear, and Khan Bahadur Jalaluddin Ahmad have also given notices of amendments to the same effect, but those amendments do not arise at all after the amendment moved by Babu Prem Hari Barma. If any one wants to speak on these amendments, he can; or I may put Mr. Barma's amendment straight to the vote.

The amendment of Babu Prem Hari Barma was put and agreed to.

The motion that clause 1, as amended, stands part of the Bill, was put and agreed to.

Clause 2.

Srijut MANINDRA BHUSAN SINHA: I beg to move that in clause 2, in line 5, after the words "the President," the words "and Deputy President" be inserted; that in clause 2, in line 5, the word "and" be omitted, and in line 6, after the word "Speaker," the words "and Deputy Speaker" be inserted; and that in clause 2, in line 6, after the words "the said Assembly," the following words be added, namely:—

"Parliamentary Secretaries, Parliamentary Under-Secretaries and Parliamentary Private Secretaries, if any."

He spoke in Bengali in support of his amendments.

Mr. SPEAKER: The effect of the three amendments will be that they will affect not only the members but also the President, the Deputy President, the Speaker, the Deputy Speaker, as well as Parliamentary Secretaries, Parliamentary Under-Secretaries, and Parliamentary Private Secretaries, if any. I think it will be convenient, therefore, if I put all these three amendments together. It is no use putting them separately.

Mr. DHIRENDRA NATH DATTA: I think, Sir, they should be put separately, because, so far as Parliamentary Secretaries, Parliamentary Under-Secretaries and Parliamentary Private Secretaries are

concerned, a difference will arise, for, so far as the Parliamentary Secretaries, etc., are concerned, they will get their pay, and in addition to that they will get their emoluments as members, which the mover objects to. So a difficulty arises if you put them together.

Mr. SPEAKER: I understand your point. I think that it will satisfy the House if amendments Nos. 1 and 2 are put together, and amendment No. 3 separately.

The following amendments were then put together and a division taken with the following result:—

That in clause 2, in line 5, after the words "the President," the words "and Deputy President" be inserted, and that in clause 2, in line 5, the word "and" be omitted, and in line 6, after the word "Speaker,' the words "and Deputy Speaker" be inserted.

AYES.

Abdul Aziz, Maulana Md.
Abdul Hafaez, Khan Bahadur Syed.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Mr. Md.
Abdul Jabbar, Maulvi.
Abdul Jabbar Paiwan, Mr. Md.
Abdul Majid, Maulvi.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazal, Mr. Md.
Acharyya Chaudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Aftab Ali, Mr.
Ahmed Ali Mridha, Maulvi.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerjee, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerjee, Mr. Sibnath.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Manoranjan.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Bobinda Chandra.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Sarandra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Babu Narendra Narayan.
Chakravarty, Mr. Jatindra Nath.
Chattopadhyay, Babu Haripada.
Chaudhuri, Rai Harendra Nath.
Chippendale, Mr. J. W.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Mr. Narendra Nath.
Datta, Mr. Bhirendra Nath.
Deiul, Mr. Harendra.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Faroqui, Nawab Sir Mahiuddin, Kt., of Ratanpur.
Fazlur Rahman Muktear, Mr.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gomes, Mr. S. A.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Gurung, Mr. Damber Singh.
Hafizuddin Chowdhury, Maulvi.
Hasan Ali Chawdhury, Mr. Syed.
Himatsingka, Mr. Prabhadayal.
Jalaluddin Hashemy, Mr. Syed.
Khaitan, Mr. Debi Prasad.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kuadu, Mr. Nishitha Nath.
Mafizuddin Ahmed, Dr.
Mafizuddin Chaudhury, Maulvi.
Mahtab, Maharajkumar Uday Chand.
Mahtabuddin Ahmed, Khan Bahadur.
Maiti, Mr. Mikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mazumdar, Mr. Birendra Nath.
Mandal, Mr. Jogendra Nath.
Manirudden Akhand, Maulvi.
Maqbul Hossain, Mr.
Mookerjee, Mr. Syamaprasad.
Mohammad Ishahim, Maulvi.
Mukherjee, Mr. S.
Mukherji, Dr. Kherat Chandra.
Mullick, Srijut Ashutosh.
Pain, Mr. Sarada Prosanna.
Ramiruddin Ahmed, Mr.
Roy, Mr. Kamakhiranjan.
Roy, Mr. Kiran Sankar.

Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Roy, Rai Bahadur Kshirod Chandra.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Sen, Rai Bahadur Jogesh Chandra.
Shamsuddin Ahmed, Mr. M.
Shamsul Huda, Maulana.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Taperiah, Rai Bahadur Moogtu Lal.

NOES.

Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirz
Abdul Hafiz Mia, Mr.
Abdul Hakeem, Mr.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Kader, Mr.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chawdhury, Khan Bahadur.
Abul Hashim, Maulvi.
Abul Hosain, Mr. Ahmed.
Abdul Quasem, Maulvi.
Aftab Hosain Jaardar, Maulvi.
Ahmed Ali, Khan Sahib Maulana Enayetpuri.
Ahmed Hosain, Mr.
Alimuddin Ahmed, Khan Bahadur.
Aminullah, Maulvi.
Amir Ali, Md. Mia.
Armstrong, Mr. W. L.
Asiad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Bannerman, Mr. H. C.
Barat Ali, Mr. Md.
Barma, Babu Premhari.
Barma, Mr. Puspajit.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Biswas, Babu Lakshmi Narayan.
Clark, Mr. I. A.
Crosfield, Mr. L. M.
Das, Mr. Asutosh Chandra.
Das, Mr. Moamahan.
Dass, Babu Debendra Nath.
Edhar, Mr. Upendranath.
Farhad Reza Chowdhury, Mr. M.
Farhat Bibi Khanam, Begam.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Ferguson, Mr. R. H.
Gammeter, Mr. E. C.
Giasuddin Ahmed Choudhury, Mr.
Golam Sarwar Hossini, Mr. Shah Syed.
Griffiths, Mr. C.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hamiduddin Ahmed, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur.
Hasina Murshed, Mrs.
Hatemally Jamadar, Khan Sahib.
Heywood, Mr. Rogers.
Idris Ahmed Mia, Mr.
Ispahani, Mr. M. A. H.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khandsahib.
Karem Ali Mirza, Sahibzada Kawas Jah Syed.
MacLauchlan, Mr. C. S.
Maguire, Mr. L. T.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Mandal, Mr. Krishna Prasad.
Masud Ali Khan Panni, Maulvi.
Miller, Mr. C.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Mohammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ali, Khan Bahadur.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Mohammad Siddique, Mr. Syed.
Muhammad Solaiman, Mr.
McNick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Sris Chandra, of Kasimbazar.
Nasarullah, Nawabzada K.
Nausher Ali, the Hon'ble Maulvi Syed.
Nazimuddin, the Hon'ble Khwaja Sir K.C.I.E.
Nimmo, Mr. T. B.
Noeruddin, Mr. K.
Patton, Mr. W. G.
Rahman, Khan Bahadur A. M. L.
Saikat, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Razzar Rahman Khan, Mr.
Ross, Mr. J. R.
Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt.
Ray, Mr. Dhananjoy.
Sbdaruddin Ahmed, Mr.
Saifuddin Ahmed, Haji.
Salim, Mr. S. A.
Sarkar, Baba Madhusudan.
Sarker, the Hon'ble Mr. Hallid Ranjan.
Serajul Islam, Mr.
Sahabuddin, Mr. Khwaja C.B.E.
Shahedgi, Mr.
Singha, Babu Kshetra Nath.
Suhrawardy, the Hon'ble Mr. H. S.
Tamiruddin Khan, Maulvi.

Thakur, Mr. Pramatha Ranjan.	Yousuf Mirza.
Tofel Ahmed Choudhury, Maulvi Hajl.	Yusuf Ali Choudhury, Mr.
Wahar Rahman, Maulvi.	Zahur Ahmed Choudhury, Mr.
West, Mrs. Ellen.	

The Ayes being 91 and Noes 118, the motions were lost.

The Hon'ble Mr. NALINI RANJAN SARKER: Government is prepared to accept amendment No. 3.

The motion was put and agreed to.

The SPEAKER: The position, therefore, is that in this Bill a "Member" means a Member either of the Bengal Legislative Council or of the Assembly other than the Governor's Council of Ministers, the President, the Speaker and Parliamentary Secretaries, Parliamentary Under-Secretaries and Parliamentary Private Secretaies, if any.

The motion that clause 2, as amended, stands part of the Bill was put and agreed to.

Clause 3.

Srijut MANINDRA BHUSAN SINHA: I beg to move that clause 3 be omitted.

He spoke in Bengali.

(*Adjournment.*)

The House was then adjourned for 15 minutes.

(*After adjournment.*)

A member from the left: On a point of order, Sir. Section 72 of the Government of India Act provides for the fixing of the salary and allowances of the members of the Legislature. The provision is mandatory and so the amendment moved by Babu Manindra Bhusan Sinha is perfectly out of order. Section 72 of the Government of India Act reads: "Members of Provincial Legislative Assemblies and Legislative Councils shall be entitled to receive such salaries and allowances as may from time to time be determined by Act of the Provincial Legislature." So the amendment is perfectly out of order.

Mr. SPEAKER: I do not think that this amendment is out of order. If it was so, I would have ruled it out and for the very simple reason that when a Legislature has the power to pass an Act: It has the inherent power not to pass an Act and that being so it is perfectly within the scope of the House to decide to give the salary or not to give it. Therefore I think the point of order does not arise.

(Babu Manindra Bhusan Sinha continued speaking in Bengali and when he was appealing to the members as Hindus, Muhammadans and Christians.)

Mr. SPEAKER: Order, order. I would appeal to Mr. Sinha not to bring in either Hindu or Muhammadan question when he refers to a member. It has already turned the debate to a point to which it has been difficult to put a stop and it would have been better if the debate would have taken another turn. I again appeal to the members of the House that in referring to the member only to do so as member without the complexion of race, colour or creed.

The next amendment stands in the name of Babu Premhari Barma. I find that this amendment is absolutely unnecessary.

Mr. J. W. CHIPPENDALE: Sir, I beg to state that, since I sent notice of the amendment certain facts have come to my knowledge. In the light of those facts I do not propose to waste either my time or the time of the House——

Mr. SPEAKER: If you are not going to move your amendment, I do not think it is necessary for you to make a statement.

Mr. SYED JALALUDDIN HASHEMY: Sir, I beg to move that in clause 3, in line 2, for the words "one hundred and twenty-five rupees," the words "two hundred and fifty rupees" be substituted.

Sir, in moving this amendment at the very start I would like to make it absolutely clear that I am at one with my friend, Manindra Babu, who has moved for the total deletion of this clause. Sir, I not only declare but proclaim on the floor of this House that if it is the intention of this House not to accept any pay, I do not propose to take a farthing as a member of this House. I propose to make it clear that if we are to accept any salary, certainly we must accept a descent salary. Even a clerk in the Calcutta Corporation office gets a pay of Rs. 45—150. I must say, if I am permitted to do so, that all of us, barring the Secretary, Assistant Secretary and the Reporters, are all equal as members of the legislature. It is only by a pure and simple accident that some of us have become Ministers (laughter); and some have not. But Sir, with regard to status, position and respectability as members there is no difference at all. Individually there may be some differences as between Ministers and members and between members and members. In intellectual ability and in physical strength there may be some difference. I do not understand how far it is fair, how far it is justifiable to propose a pay of Rs. 125 for members of this

House when the Chief Minister will get Rs. 3,000 and the other Ministers Rs. 2,500. It is neither fair nor desirable to propose to pay the members Rs. 125. There are some people possessing far greater intellectual capability than some of the Ministers but they are not Ministers.

Sir, my friend over there on the Congress bench has said and very clearly said that he does not want money for serving the country as a member of this House.

(Here the speaker wanted to speak in Bengali and uttered a few words.)

Mr. SPEAKER: Order, order, Mr. Hashemy you cannot address the House in Bengali.

Mr. SYED JALALUDDIN HASHEMY: I submit, Sir, that I can speak very fluently in Bengali.

Mr. SPEAKER: Order, order, you must accept my decision. I know you can speak in English very well.

Mr. SYED JALALUDDIN HASHEMY: My friend said that there is no connection between money and efficiency. It is undoubtedly a fact but there is connection between money and Ministership; there is connection between money and membership of this House. Can any of my friends deny that they have not spent a large amount of money to be returned as members of this House (laughter)? If I take Rs. 250 as salaries and if I can spend a part of it in improving the condition of my constituents—

Mr. SPEAKER: Mr. Hashemy, I would ask you to leave those tales aside as far as possible.

Mr. SYED JALALUDDIN HASHEMY: Sir, I have been an extremist and shall always remain an extremist; I know of no middle course. I ask my friends on the left to pause and consider for a moment how they can accept a salary so low (The Hon'ble Mr. H. S. SUHRAWARDY: Unbecoming 'also.)—my friend Mr. Suhrawardy says unbecoming—really, Sir, it is unbecoming. So, they should either accept my amendment or do away with the salary *in toto;* or as has been done in the Punjab we can agree to a halting allowance of Rs. 20 per diem and a conveyance allowance of Rs. 2½ per day. That would be more dignified. (Dr. NALINAKSHA SANYAL: That would, also, save you from income-tax.) My friend, Dr. Sanyal, tells me that it will also save us from income-tax. I have considered this matter and have considered it seriously as to why it is that under the circumstances

the Hon'ble the Finance Minister has suggested Rs. 125 only as emoluments for members of the legislature. Can it be that he considers that the status of members of the legislature is not such that they should not be given a pay more than Rs. 125 per month? Or can it be that he considers that we should accept this salary of Rs. 125 per mensem with satisfaction? Or can it be that by adding Rs. 25 more with his consent to what has already been proposed we shall be satisfied? I say, Sir, and would suggest with your permission that let us at least on this occasion only—we have differed on many occasions—but at least on this particular occasion let us unite and vote unitedly for this amendment. (Loud cheers.) Sir, I was very glad when I found that Mr. Chippendale also gave notice of a similar amendment, but to my utter surprise I find he has fallen back. Can it be that he does not propose to give us even the minimum salary that can be accepted by any self-respecting member of the two Chambers? What may be the earthly reason for Mr. Chippendale withdrawing? And I also apprehend that he may not perhaps be voting with me! I think Sir, it would be better for us as members of this House to refuse the salary suggested by my friend Srijut Manindra Bhusan Sinha. I know him personally: he is really an ideal man, but we cannot accept the low amount suggested by him. I can assure you that before I came here and was sworn in as a member of this House, I had no knowledge of the existence of section 72 of the Government of India Act. Therefore, I was surprised to learn from my friends that I would get a salary. But, Sir, I had no idea of getting or accepting any salary as a member of the legislature. What is the position in America and other places? My friend, Mr. Syamaprasad Mookerjee, will perhaps be good enough to enlighten us about the conditions in England, where, in recent times, particularly, the salary of a member of the House of Commons has been increased from £400 to £600 per annum. Why should my European friends grudge us if we get Rs. 250 per month? Sir, following the precedent of the British Parliament, I hope—and very strongly hope—that my European friends will vote for my motion, which is indeed very moderate. Sir, we are here as members of the legislature, and I am serious in moving this amendment. I think, Sir, there are no alternatives left but to accept Rs. 250 or not to accept any salary at all. I appeal to my friends through you, Sir, to consider this matter seriously, and decide on their course of action accordingly. With these few words, Sir, I commend my motion to the acceptance of the House.

Maulvi ABDUL HASHIM: Sir, I beg to move that in clause 3, in line 2, for the words, "one hundred and twenty-five" the words "one hundred and fifty" be substituted.

Sir, I did not desire to make any speech to-day but after the very brilliant speech delivered by my Congress friend Sreejut Manindra Bhusan Sinha I think it is my duty to explain my position as to why

I am moving my amendment. If a member is to be judged by the pay he gets, then surely a member who takes no salary is better than the one who is unwilling to work without a salary. Sir, members of this House and of the Upper House used to get a daily allowance of Rs. 10 during their stay in Calcutta in connection with the discharge of their duties as members of the legislature. Before us here to-day is a Government Bill and many amendments have been tabled to some of its provisions. They propose to pay to the members of this legislature a salary in addition to what they used to get as allowances. The net result of my amendment, if accepted, will be that members of this legislature, that is, members of both Houses will get a salary of Rs. 150 per month in addition to what they are getting as allowances, now. By rough calculation this would mean an additional expenditure of 5 lakhs and 50 thousand. Now, Sir, this House must answer before they decide what to do with this amendment, one question, namely, whether the expenditure of so much money for the members of both the Houses will be beneficial to the poor tax-payers of Bengal. However, much a member may be justified in demanding a salary in consideration of the sacrifice that he has to make in connection with his duties here, if this House answers the question in the negative, I do not think this House can then sanction this money. I do not move this amendment because I think that members are entitled to get a compensation for their personal inconveniences and sacrifices, but I do sincerely believe that it will be to the interest of the people if members of this Assembly and of the Council are given the salary that I propose in my amendment. Sir, there was a time when occupying a seat in the legislature was the monopoly of the rich. On one occasion while conducting a mortgage suit in the civil court in Burdwan one of my lawyer friends referring to the defendant who was a Muhammadan remarked that the Muhammadans of Bengal were a nation of borrowers. Sir, there was a time when occupying a seat in the legislature was the monopoly of rich money-lenders and zamindars.

Mr. SPEAKER: Order, order. You cannot characterise the members who function under the legislature in this way. You cannot make any reflection on the House.

Maulvi ABDUL HASHIM: I was not going to make any reflection on the legislature or on its members, but I was just going to show that salary-taking will be quite justified in view of rich men who constituted—

Mr. SPEAKER: If you had said that most of the members were of this class and of that class, you would have been in order but when you say that that was the composition of the entire House, that is where you come to make an objectionable statement.

Maulvi ABDUL HASHIM: All right, Sir. Now things have changed, and even a poor man like myself finds himself occupying a seat in this magnificent building. Sir, an economic war has already been started with the poor, I mean with the exploiters on the one side and the exploited on the other. In this economic struggle poor people cannot win unless an absolute majority of the seats in this Assembly be occupied by their true and efficient representatives. I will with your permission take an example from my own district. The Maharaj Kumar of Burdwan, the eldest son and heir of the Maharajadhiraja Bahadur of Burdwan, one of the richest zamindars in India, has come here after giving a crushing defeat to a poor Congress nominee who I believe is one of those who are entitled to style themselves as real and true servants of the people. Sir, however much we may talk philosophy, money is a great and a very powerful weapon. If the Maharaj Kumar in this Assembly works for his constituency, I would admire him as a hero but if he safeguards the interests of his own class as against the interests of his constituency, I will not be surprised. If from the heights of imagination we come down to hard realities, we come to this that the poor tax-payers cannot send their true and efficient representatives and cannot keep them here care free and independent unless they pay them just that much money that is absolutely necessary to continue their existence and among other things sufficient to enable them to fight elections after every five years. (A MEMBER: what, accumulation of money out of this salary?) Sir, the Congress party here as well as my friends of the opposition characterise the present ministry as a ministry of Knights, Nawabs, Rajas and Maharajas. But, Sir, if members of this legislature be made to work without any salary or even with insufficient salaries, I am afraid that in no time the entire Assembly and the Council will come to be composed of Knights, Nawabs, Rajas and Maharajas, which I believe will be disastrous to Bengal; I mean to the poor people of Bengal. We should not only take into consideration what we actually do or what we have to suffer by our work here in the Assembly, but we should also take into serious consideration what we do inside the House and also what we do outside the House—at any rate what we ought to do outside the House to ameliorate the condition of our people.

Sir, we should not only take into consideration what we actually do and what we have to suffer financially on account of our work here in this Assembly, but it will also have to be considered what we do inside and outside this House and what we ought to do outside the House to ameliorate the condition of our people. Now, Sir, I further submit that if a member of this Assembly is to faithfully discharge his duties both inside and outside the Assembly as a representative of the people of Bengal, he will not have spare time for earning a private income. On the other hand, if a gentleman is to look to his private earning, he would have scarcely any spare time to look after the interests of his

constituency. In this view of the matter I believe that the best interests of the poor and starving millions of Bengal will be served not by not spending Rs. 5 lakhs but by spending it wisely and carefully. I know, Sir, I have lost a very nice chance of getting press applause owing to my inability to support what my learned friend on the other side of the House Srijut Manindra Bhusan Sinha has said. I do not support my honourable friend Mr. Hashemy's proposal because in consideration of the revenues of Bengal I think that we should set an example that charity begins at home.

Babu PREMHARI BARMA: I beg to move that in clause 3, in the last line, after the words "per mensem" the words "with effect from the date on which he takes his oath" be added.

Mr. M. SAMSUDDIN AHMED: Sir, after we have passed clause 1 can he move it?

Mr. SPEAKER: As I read the Bill, the clause will run thus: "There shall be paid to each member a salary at the rate of such and such per mensem with effect from the date on which he takes his oath." So far as this Act is concerned it will take effect from 1st April 1937 and will have a place in the Statute Book and by the law of interpretation it is reasonable to hold that a member who cannot take his oath on that date, will not get his allowance for the previous period although he is a member as soon as the election is over. The introduction of these few words will have the effect that a member will get his allowance from the date on which he takes his oath. Otherwise there will be an inconsistent position as to the date from which a member is to draw his allowance. This amendment is only intended to make that clear.

Mr. PREMHARI BARMA: The motive of my amendment is very clear. Otherwise difficulty will arise as to the date from which a member will get his salary, as it may be said that he will get his salary from the date on which this Act comes into force. In order to make that point clear, I have suggested in my amendment that the salary should be drawn from the date on which a member takes his oath. A further question arises as regards drawing this salary from a back date. We find from section 72 that "members of the provincial legislature shall be entitled to receive such salaries and allowances as may from time to time be determined by Acts of the provincial Legislature and until provision in this respect is so made they shall be entitled to draw allowances at such rates, etc." The first part speaks of salary and allowances and the second part does not speak of salary. There is no provision that a member should get his allowance from back date but under the first part of the section he is

entitled to get his salary from the date on which he takes his oath. With these few words I move my motion for the acceptance of the House.

The Hon'ble Mr. H. S. SUHRAWARDY: I desire to support the amendment, if I may, moved by Maulvi Abul Hashim, because I admire the spirit of sincerity and truth which has actuated him to move this amendment before the House. It is a wonderful opportunity for members of this House to come forward and plead the cause of the poor distressed people outside and thereafter at the time of the next election to claim a certain amount of credit for self-sacrifice. At that time it will not be demanded as to how much that particular member has drawn as his salary or as allowance. What will be presented possibly before the voters is the motion which was moved in the House and the manner in which it was moved. Maulvi Abul Hashim therefore at the time of the next election may be confronted with the speech of a member who claimed that if he happened to be returned he would never claim either salary or allowances. For this reason I do admire the spirit of truth which has moved him and the sincerity with which he has appealed to this House to grant to the members of the Assembly and of the Council a salary of Rs. 150. Under the present conditions there can be little doubt that the members of the Assembly who will be called upon to work——

Mr. SYED JALALUDDIN HASHEMY: On a point of order, Sir. The Hon'ble Finance Minister has introduced a Bill and in that Bill he suggested a salary of Rs. 125 to the members. Now, as all the Ministers have joint responsibilty, can another Minister support the amendment of a private member? Is he justified in supporting the amendment of Maulvi Abul Hashim?

Mr. SPEAKER: Well, I might say, whether there is a joint responsibility or separate responsibility it is not my concern. It is for the ministry to say as to how they should work. I think it is quite open to the Hon'ble Mr. Suhrawardy to move an amendment and it is quite open to the Hon'ble Mr. N. R. Sarker to take his course of action.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I think I am entitled to give my views.

In the present juncture when the members will have to attend day after day possibly for months together to discuss and decide the fate of the province, it is only legitimate that they should be paid a certain amount of allowance for the sacrifice which this will entail. When I do hear whenever a case of expenditure is considered that if this expenditure was saved it could be spent upon the poor and

miserable people of Bengal I am reminded of the case of the rich man who whenever he saw an object to which he could subscribe always said he intended to subscribe to something wortheir and in the end he subscribed to nothing at all. I do not think that the money that will be saved would be spent positively either on this particular head or the other particular head and every case will have to be considered on its own merits and not judged by the question as to whether this money if saved might be spent on such and such object. My opinion is therefore that the members are most definitely entitled to a certain amount of remuneration. Now, why has a sum of Rs. 150 (and not a larger or smaller amount) been fixed has been pertinently asked by Mr. Syed Jalaluddin Hashemy. He, of course, has avoided the issue by laying the blame on the House for the passage of any particular allowance. He would not take the money if it is not passed by the House and would take it if it is passed by the House (VOICE: May be a matter of option). I shall be greatly intrigued if some were to exercise their option: it is perfectly true nobody can force one to take his allowance.

The only thing that strikes me is this: Reforms means a larger amount of expense to the country and when one demanded the Reforms one knew perfectly well that they would mean a larger expense than when the Reforms were not here.

Mr. SPEAKER: Mr. Suhrawardy you can continue your speech to-morrow. I must now adjourn the House.

Adjournment.

The House was then adjourned till 4-45 p.m. on Friday, the 13th August, 1937, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 13th August, 1937, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, the eleven Hon'ble Ministers and 229 elected members.

Mr. BARADA PROSANNA PAIN: The other day in connection with the interpretation of section 82 of the Government of India Act when you gave your ruling you were pleased to say that you would give your reasons for the ruling later on.

Mr. SPEAKER: I do not think it will be possible for me to do so to-day, but some time next week I propose to do so.

STARRED QUESTIONS

(to which oral answers were given)

Construction of the proposed Tangi-Tangail Railway line.

*52. **Mr. MIRZA ABDUL HAFIZ:** Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*i*) the steps, if any, taken by Government for the construction of the proposed Tangi-Tangail Railway line; and

(*ii*) whether there is any likelihood of the construction of the proposed line being taken up in the near future?

MINISTER in charge of COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Kasimbazar): (*i*) Government appointed a Committee in 1934 to investigate the problems of public health, sanitation, drainage and waterways in connection with the construction of the Railway line. The Committee's report is still awaited.

(*ii*) Nothing can be stated definitely.

Babu NAGENDRA NATH SEN: What is the length of the line and also the personnel of the Committee?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I would require notice.

Babu NAGENDRA NATH SEN: May I know whether any private company has offered a tender to make the railway?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I want notice.

Mr. MIRZA ABDUL HAFIZ: Has the Committee been taking a keen interest in this matter?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I expect so.

Mr. MIRZA ABDUL HAFIZ: When will the report be available?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I understand that the Committee had appointed a sub-committee and this sub-committee is making an inspection of the route along which the proposed railway line will be constructed; so it is very difficult to give an idea about the time when they would submit their report. I have every hope that they would submit their report by the end of the next cold weather.

Additional expenditure involved on account of the introduction of new Constitution.

*53. **Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state the amounts of additional expenditure in this province involved under different accounts as a direct result of the introduction of the reformed constitution, and showing the heads of such expenditure?

MINISTER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): A statement is laid on the table.

Statement referred to in the answer to starred question No. 53 of additional expenditure involved on account of introduction of new Constitution.

Major Head.	Subject.	1935-36	1936-37.	1937-38.		
				Non-recurring.	Recurring.	Total.
		Rs.	Rs.	Rs.	Rs.	Rs.
7—Land Revenue ..	Demarcation of boundaries between this Government and Indian States (a).	..	..	20,696	..	20,696
22—Interest on Debt and other obligations.	Interest on State Provident Funds (a)	..	..	..	15,83,000	15,83,000
25—General Administration ..	Election charges	2,14,424	7,09,275	45,000	..	45,000
	Provision for Public Service Commission. (For eleven months.)	..	..	..	88,000	88,000
	Additional provisions for Legislative Assembly.	..	..	..	90,000	90,000
	Provision for Legislative Council ..	..	..	380	49,854	50,234
	Additional post of a Secretary for the Department of Communication and Works.	..	..	..	31,600	31,600
28—Jails and Convict Settlements	Charges for State prisoners under Regulation III of 1818 (a).	..	..	..	24,000	24,000

(a) Hitherto borne by the Central Government.

Major Head.	Subject.	1935-36.	1936-37.	1937-38.		
				Non-recurring.	Recurring.	Total.
		Rs.	Rs.	Rs.	Rs.	Rs.
47—Miscellaneous Departments	Allowance to Rev. Archbishop of Calcutta for maintaining ecclesiastical returns of baptism, marriages and burials (*a*).	..	..	..	6,300	6,300
	Special pay of Registrar and Assistant Registrar, Joint Stock Companies, pay of establishment, etc., in connection with the administration of Indian Partnership Act, 1932 (*a*).	..	..	..	4,600	4,600
50—Civil Works	Additions to and alterations in the existing Council Chambers to provide for additional accommodation to new members.	..	..	50,000	..	50,000
	Rent for the Victoria House for accommodation of offices removed from the Writers' Buildings.	..	..	500	24,384	24,884
55—Superannuation, allowances and pensions.	Compassionate allowances (*a*) ..	..	..	..	3,000	3,000
56—Stationery and Printing ..	Purchase of linotype machines for printing electoral rolls.	1,89,000	..	..	..	..
57—Miscellaneous ..	Family allowance of Bengal State prisoners detained in other provinces (*a*).	..	..	..	6,500	6,500
	Total ..	4,03,424*	7,09,275*	1,16,576	19,11,238	20,27,814

*Non-recurring.

(*a*) Hitherto borne by the Central Government.

Babu NAGENDRA NATH SEN: What has been done with the linotype machines for printing electoral rolls against which Rs. 1,89,000 is shown.

The Hon'ble Mr. NALINI RANJAN SARKER: It has already been purchased for the purpose of printing forms, etc., in connection with the election.

Dr. NALINAKSHA SANYAL: Is no additional expenditure on account of the Ministers and their staff contemplated?

The Hon'ble Mr. NALINI RANJAN SARKER: No.

Babu NAGENDRA NATH SEN: Is no additional expenditure on account of the salary of the members of the Provincial Legislature contemplated?

The Hon'ble Mr. NALINI RANJAN SARKER: The salary of Members which will be passed here is not contemplated.

Mr. NIHARENDU DUTTA MAZUMDAR: How many seats have been provided in the Council Chamber for Rs. 50,000?

The Hon'ble Mr. NALINI RANJAN SARKER: I want notice.

Non-acknowledgment of letter and telegrams addressed to the Department of Co-operative Societies by the Co-operative Central Banks.

*54. **Maulvi ABDUL BARI:** (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware—

(*i*) that urgent letters and telegrams from Co-operative Central Banks addressed to the Department of Co-operative Societies remain unanswered creating disadvantages in the working of the banks;

(*ii*) that no reply was received by the Secretary of the Berhampore Central Co-operative Bank to his letter with respect to the distribution of dividends from the Assistant Registrar till the 7th July; and

(*iii*) that reminders were sent by letters on the 27th and the 28th June, 3rd July and by telegrams on the 1st and the 6th July last?

(*b*) Do Government contemplate taking any action with a view to remedying the state of affairs?

MINISTER in charge of CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) (*i*) I am not aware of such instances.

(*ii*) The letter from the Secretary of the Berhampore Central Co-operative Bank applying for the distribution of dividend was received by the Assistant Registrar, Presidency Division, on the 14th June, 1937, and his order thereon refusing payment of dividend was communicated to the Bank on the 26th June, 1937.

(*iii*) The reminders and the wire were representations to the Assistant Registrar for reconsideration of his decision referred to above. The Assistant Registrar's final decision was communicated with his letter No. 6902P., dated the 6th July, 1937.

(*b*) The question does not arise.

River Nabaganga.

***55. Mr. ATUL KRISHNA GHOSE:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware that the river Nabaganga in the district of Jessore is being silted up?

(*b*) If the answer to (*a*) is in the affirmative, do the Government contemplate urging upon the district authorities to make an enquiry into the matter in consultation with the Engineer of the District Board of Jessore to find out ways and means with a view to stop further silting up of the said river?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) Since the opening of the Ghuznavi Cut in 1934, the discharge in the river has been increased and no appreciable increase in siltation has taken place.

(*b*) The measures for improving this and other rivers in the district of Jessore are under consideration in consultation with the District Officer and the District Board.

Mr. RASIK LAL BISWAS: What is the source of his information in this matter? Did he visit the place personally or did he get the report from some officer?

Mr. SPEAKER: Order, order. My friend very well knows that when a question is asked by a member, he can obtain as much information as is available from the Minister but the question as to the source of information hardly arises out of that specific matter.

A member: Is it not a fact that on account of scarcity of water the steamer connection has already been stopped, and is there any ways and means to remove that inconvenience?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I want notice.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister kindly lay on the table the correspondence referred to in answer (*b*)?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: No.

Discharge of certain employees from Saidpur Railway Workshops.

*56. **Babu KSHETRA NATH SINCHA:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that about 500 employees (local people) have been discharged from the Saidpur Railway Workshops; and

(*ii*) up-country men have been taken in their place?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of—

(*i*) making an inquiry into the matter; and

(*ii*) publishing the result of the inquiry in a statement?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) It is not a fact that 500 Bengali employees have been discharged from the Saidpur Railway Workshops and up-country men have been taken in their place.

(*b*) Does not arise.

Babu KSHETRA NATH SINCHA: If not 500, how many were discharged.

Mr. SPEAKER: Order, order: It would have been better for the gentleman who gave notice of this question not to have put the definite number 500. The proper form would have been whether any person has been discharged or not.

Babu KSHETRA NATH SINGHA: Has any person been discharged?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I want notice.

Mr. NINARENDU DUTTA MAZUMDAR: Has the Hon'ble Minister ascertained from the District Magistrate of the place as to whether any employee has been discharged and if so, how many?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I have only ascertained whether 500 persons had been discharged or not; so I am not aware if any single employee has been discharged.

Control of ferries by non-Bengalis in certain districts.

***57. Dr. NALINAKSHA SANYAL:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that a large number of the ferries in the districts of Murshidabad, Nadia and Jessore are being controlled by non-Bengali interests;

(*ii*) that the local boatmen have been ousted by boatmen from an adjoining province;

(*iii*) that at some of the important ferry ghats, particularly at Azimganj and Radharghat in the district of Murshidabad and at Nabadwip *ghat* in the district of Nadia, the lessees do not maintain an adequate and regular supply of ferry-boats and persons have to cross the river in privately hired boats; and

(*iv*) that full ferry-*ghat* charges are levied from such persons whether they use private boats or not?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps he contemplates taking in this matter?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) and (*b*) (*i*) Only 29 out of 159 ferries in these districts have been settled with non-Bengalis. Ferries are usually settled with the highest bidder.

(*ii*) It is a fact that many boatmen are non-Bengalis. Boatmen are engaged by the lessees of ferries and Government have no hand in the matter.

(*iii*) Complaints have been received about the ferry services at Azimganj and Radharghat. The District Magistrate is being asked to take necessary steps for the improvement of these ferry services.

(*iv*) Yes. Ferry charges are leviable under the law even when private boats are used.

Babu NAGENDRA NATH SEN: Is it not a fact that if an entire private boat is hired, the ferryman also charges tolls for it?

Mr. SYED JALALUDDIN HASHEMY: On a point of order, Sir. While answering the questions (*a*) and (*b*), the Hon'ble Minister has taken (*a*) and (*b*) (*i*) together. Is it in order to give answers in this form which has simply confused the whole issue?

Mr. SPEAKER: Is it not within my power to direct as to the form in which an answer should be put. But members are fully entitled to put supplementary questions if the printed answer does not satisfy them and is not, in their opinion, to the point.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: As far as I am aware, that is the law.

Dr. NALINAKSHA SANYAL: With reference to answer (*iv*) which law does not refer to?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the law really does provide for levy when a man simply uses the ferry ghat?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: As far as I am aware, if a man leaves the ghat, he has got to pay for it.

Dr. NALINAKSHA SANYAL: Is it not a fact that at the Nabadwip ghat if a man gets down to the river even though he may not cross the river, he has got to pay the toll?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be prepared to hold an enquiry into the matter?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I could not exactly follow in what connection the honourable member desires me to hold an enquiry.

Mr. SPEAKER: This is a request for action, and the best way to do so is to write to the Hon'ble Minister.

A Member: Will the Hon'ble Minister be pleased to state whether a ferry charge is leviable when a private boat is used by an owner for his personal use?

Mr. SPEAKER: I think this question hardly arises because this is a question of law. The object with which a supplementary question is to be put is certainly not to get the legal opinion of the Minister or anybody else. If anybody finds that a ferry charge has been improperly imposed, it is open to him to bring necessary action against such an imposition, but a supplementary question enquiring whether it is leviable or not hardly arises.

Rai HARENDRA NATH CHAUDHURI: Is the Hon'ble Minister aware that there is such a code as the Bengal Ferry Service Code?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Yes.

Mr. RASIK LAL BISWAS: Why are ferry ghats settled with non-Bengalis?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I have already said that ferries are settled with the highest bidder; no question therefore arises about settling them with non-Bengalis.

A Member: Will the Hon'ble Minister be pleased to state whether fees are realised under the Bengal Ferry Service Code?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Yes.

Rai HARENDRA NATH CHAUDHURI: When the Hon'ble Minister was asked, with reference to (*ii*), as to the law under which a fee is levied, he wanted notice; and just now he has said in reply to another question that such fees are realised under the Bengal Ferry Service Code; will the Hon'ble Minister be pleased to reconcile his two statements?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Sir, I have nothing further to add.

Recruitment of section-holders for the Bengal Government Press.

***58. Mr. BIRAT CHANDRA MANDAL:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether it is the practice in the Bengal Government Press to recruit temporary or permanent section-holders from amongst the senior hands in the Composing Section?

(*b*) Is the Hon'ble Minister aware that the appointment of new hands from outside or from the apprentices to fill the posts of section-holders causes more overhead charge than the appointment of senior hands in the Composing Section?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government propose to fill the posts of section-holder only by promotion from amongst the men in the Composing Section? If not, why not?

(*d*) Will the Hon'ble Minister be also pleased to state—

(*i*) the number of section-holders in the Bengal Government Press;

(*ii*) the number appointed from the apprentices since 1920; and

(*iii*) the number appointed by promotion from expert hands in the Composing Section since that year?

The Hon'ble Mr. NALINI RANJAN SARKER: (*a*) I understand that section-holders are generally appointed by selection from amongst the assistant section-holders, and that selection for the posts of assistant

section-holders is made both from senior hands in the Composing Section and from apprentices.

(*b*) I am informed that this is not the case.

(*c*) Does not arise.

(*d*) (*i*) Eleven.

(*ii*) One, promoted from assistant section-holders.

(*iii*) Ten, 2 direct from compositors, 2 direct from Linotype operators and 6 from assistant section-holders.

Short-notice question by Mr. Surendra Nath Biswas.

Mr. SPEAKER: I have just received a short-notice question from Mr. Surendra Nath Biswas and I have also been informed by the Hon'ble the Home Minister that he is prepared to answer it. I have no objection to the question being put.

Mr. SURENDRA NATH BISWAS: (*a*) Is the Hon'ble Minister in charge of the Home Department aware that 153 detenus in the Deoli Detention Camp, most of whom, if not all, are Bengalis, have gone on hunger-strike on the 10th August 1937?

(*b*) If the answer to the above question be in the affirmative, is the Hon'ble Minister aware of the reasons of their hunger-strike?

(*c*) Has the Hon'ble Minister considered the desirability of saving the lives of those hunger-strikers?

(*d*) If so, has the Government of Bengal requested the Government of India to take immediate steps to save the lives of those hunger-strikers?

(*e*) If not, has the Hon'ble Minister considered the desirability of requesting the Government of India to take immediate steps in the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) The strike has been launched in support of the demands of the convicts in the Andamans.

(*c*) I have nothing further to add to the statement which I made in this House on the 4th of August.

Short-notice question of Mr. Abul Hashim:

Mr. SPEAKER: I have received another short-notice question from Mr. Abul Hashim. The question runs thus:

Mr. ABUL HASHIM: (*a*) Will the Hon'ble Minister in charge be pleased to state whether the attention of the Government has been drawn to the statement published in the issue of the "Advance", dated the 12th of August, 1937, regarding the appointment of Whips, Parliamentary Secretaries and Deputy Secretaries, the Presidents of certain Boards of Enquiry, and whether the statement which has appeared therein is correct?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble in charge be pleased to state why this information was supplied to only one newspaper and not to others?

(*c*) If the answer is in the negative, will the Hon'ble Minister be pleased to state what steps, if any, Government intend to take to prevent the publication of such incorrect statement in the Press in future?

(*d*) Will the Hon'ble Minister in charge be pleased to state if the attention of Government has been drawn to the scurrilous comments and vile attacks based on glaringly incorrect facts which have appeared in some of the newspapers of Calcutta?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister in charge be pleased to state what steps, if any, Government propose to take to put a stop to these malicious attacks.

The Hon'ble Mr. A. K. FAZLUL HUQ: As regards the first question, my answer is that it is absolutely incorrect that any appointments have been made.

Dr. NALINAKSHA SANYAL: The question is whether there has been any appointment. Is the Hon'ble Minister entitled to say——

Mr. SPEAKER: Order, order: It would be very inconvenient if a Member would intervene in the midst of a reply. As I have already said the Speaker has no control over the manner in which a question is answered. But, then, it is fully open to members to elicit further information by putting supplementary questions.

The Hon'ble Mr. A. K. FAZLUL HUQ: It is very surprising that my friends who are keen on having full information should try to stifle information in this way. My answer to the second question is that the matter has not yet been decided but has been receiving the attention of the Government.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state why he has brought in irrelevant matters like admonition and incorrectness or otherwise of some statements that had appeared in some paper? The Hon'ble Minister had said that it is

absolutely incorrect to state that there has been any appointment. I submit that this is an irrelevant reply because the question is whether there has been any appointment. It might have been replied by either yes or no. Then in the course of the reply he issued an admonition that some members who are so keen on certain statements would be stifling information when it was being given.

Mr. SPEAKER: As I have said it is not only the function but the duty of Government, in answer to a question which might be put by a member of the House to put all direct, implied or connected matters relating to it; and if the Hon'ble Minister feels that a statement which is connected with the same issue, though in a different way, can be made within the purview of the answer, he is entitled to do so; and I feel that he was discharging his duty properly. As regards the question of admonition, I am afraid Mr. Sanyal invited it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether this question was accepted as a short-notice question at his instance?

Mr. SPEAKER: Order, order: It does not arise. A member is privileged to put a short-notice question and if the department concerned choses to answer it, and if the Speaker has also given consent, it is not open to any member to say wherefrom he has got it. Once you are allowed to do so, you open yourselves to any amount of motives and aspersions. I, therefore, think that in the interest of the rights and privileges of the House, it is not desirable that a question of this sort should be allowed.

Maulvi ABUL QUASEM: Will the Hon'ble Minister be pleased to state whether the attention of Government has been drawn to the statement published in the issue of the "Advance" of 12th of August, 1937, regarding the appointment of Whips, Parliamentary Secretaries, Presidents of certain Boards of Enquiry and also whether that statement is correct?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have already answered that the statement is incorrect and with your leave, Sir, I would like to make a statement in this connection. A contradiction was issued by the Press Officer which was duly published in the "Amrita Bazar Patrika." The offending newspaper, viz., the "Advance", not only did not publish the statement issued by the Press Officer, but published something else which aggravated the offence in its issue of to-day.

A Member: Was this information supplied to one newspaper or to all of them?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have already stated that no information was supplied by Government and that therefore it does not arise.

Mr. SARAT CHANDRA BOSE: Under what section of the Indian Penal Code does this offence come?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is not an offence or may not be an offence in the terms of the Indian Penal Code but it is an offence against public morality and journalistic honesty.

Maulvi ABUL QUASEM: Does the Government intend to take any steps to prevent this sort of publications in the Press?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is the duty of the Press to keep within the bounds of journalistic honesty. If they do not, Government may have to take measures.

Mr. SARAT CHANDRA BOSE: How can an incorrect information come within the description of journalistic dishonesty and public immorality.

The Hon'ble Mr. A. K. FAZLUL HUQ: If we find that a statement is baseless and if the very circumstances show that it was published maliciously, I submit that it is an offence against all morality.

Mr. SARAT CHANDRA BOSE: What are the facts and circumstances for which he infers malice?

The Hon'ble Mr. A. K. FAZLUL HUQ: I submit that it is malicious for this reason that the statement was baseless, and that when a contradiction was issued by the Press Officer that publication of the Press Officer was withheld and in lieu of that another false statement appeared on the very subject. This shows its maliciously bad design.

Maulvi ABUL QUASEM: Has the attention of Government been drawn to the glaring incorrect facts that appeared in some of the newspapers in Calcutta?

Mr. SPEAKER: Order, order: If you want that information, you can do so by putting a fresh question.

Adjournment Motion.

Mr. SURENDRA NATH BISWAS: Sir, I beg for leave to move an adjournment motion a copy of which I have just handed over to you.

Mr. SPEAKER: I find that you have asked for leave to move an adjournment motion to discuss the question of the hunger-strike by the prisoners at Deoli. From the terms of your motion, I find that you have asked the Government of Bengal to move the Government of India to take immediate steps to remove the reasonable grievances of the hunger-striking prisoners in the Andamans. If you will please refer to section 105(3), you will find that a motion must be for discussion on a matter which has not been discussed in the same session. The question of the prisoners at the Andamans has not only been discussed on an adjournment motion but the question of the detenus has also been discussed. In view of that, will you please tell me as to how you can revive discussion on a matter which has already been discussed so long as you keep to the present form of your motion.

Mr. SURENDRA NATH BISWAS: I do not want to raise a discussion definitely on that point, that is the removal of the grievances of the hunger-striking prisoners in the Andamans, but I want to mention it on the ground that the Home Minister has told the House that although he was in favour of repatriation, he was not prepared to repatriate very soon. The Home Minister has also told us that unless and until the hunger-strike was called off, Government could not see its way to consider any of the grievances. So, in order to make the hunger-striking prisoners in the Andamans break their hunger-strike, I want that those prisoners might be repatriated to Bengal and that their parents and other relatives might be given an opportunity to see them and use their influence to break the hunger-strike. Mr. Speaker, you are aware that we have been told that the Premier has sent a wire——

Mr. SPEAKER: Please be short, Mr. Biswas. I only wanted to be satisfied on one point, and that is as to how you can discuss the motion in the form in which you have presented it without raising and reviving a discussion on the Andamans prisoners. Can you satisfy me on that point?

Mr. SURENDRA NATH BISWAS: The question of repatriation, Sir, is a different question; but what I want to do is this. I want to request the Government of Bengal immediately to move the Government of India to take urgent steps to remove the reasonable grievances of hunger-striking prisoners in the Andamans. This matter was not discussed—whether the Government of Bengal was prepared to move

the Government of India to take some such step. This is a matter which was not discussed in the previous adjournment motion——

Mr. SPEAKER: Have you got anything more to add to your point, Mr. Biswas?

Mr. SURENDRA NATH BISWAS: If you disallow the motion, Sir, then——

Mr. SPEAKER: I have not said that I am going to disallow it. I have heard your point. Will you now sit down? There is another point which I want to have elucidated. You know that a motion for adjournment is in the nature of a censure motion: that is so by all Parliamentary convention; and it must be for an "act of commission or omission on the part of Government," that is to say, for doing a thing or not doing a thing. The draft that you have put here is to request the Government of Bengal to do such and such a thing, but there are enough legal brains to my left who can tell me whether these words constitute either an "act on the part of the Government or an omission on the part of the Government." You can probably put the same thing in quite a different language, but, unfortunately, the term you have used is such that I cannot hold that it is in the nature of a criticism of Government's policy for "doing a thing or not doing a thing." On the other hand, you have put it in the form of an action for request. So, if you have not got anything further to say I shall call upon the Hon'ble the Home Minister to say if he has got anything to say, but only in regard to the "admissibility" of the motion.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. Here is a request for action based on an "omission" of Government, and therefore the motion comes within the scope of your ruling and ought to be allowed.

Mr. SPEAKER: I quite realize it, but I think that in the matter of an adjournment motion we are all governed by the terms of that motion, and as you know and as I have explained, the effect of an adjournment motion is to break the normal course of proceedings of the House, and by all Parliamentary convention any suggestion in the nature of restricting the ordinary normal right of a member—in whatever way it has to be interpreted must be interpreted very rigorously; and that being so, if Mr. Biswas had put in the words "for not doing certain acts," his motion would have been perfectly in order. But, when he couches it in the form of a request to the Government of

Bengal, I am afraid it cannot come within the canon laid down for an adjournment motion. But I would like to hear the Hon'ble Khwaja Sir Nazimuddin's views on the matter.

Mr. SYED JALALUDDIN HASHEMY: On a point of order, Sir——

Mr. SPEAKER: Order, order; I have already asked Sir Nazimuddin to speak.

The Hon'ble Khwaja Sir NAZIMUDDIN: I beg to submit, Sir, that this motion is out of order for this reason that, directly or indirectly, it asks the House to discuss a question which has already been discussed and on which this House has given its verdict. The last portion of the motion, viz., the grievances of the Andamans prisoners, has been fully discussed here, and whatever may be the first portion of the motion, it is governed by the last portion, viz., to redress the grievances of the Andamans prisoners. So, I do not see, Sir, how, if this motion is discussed, that question will not be brought in. That is the main issue here, and, what is more, a decision of this House has already been given on the policy enunciated by Government, viz., that Government do not propose to take any action. Therefore, if this motion is allowed to be discussed, it means that we are going again to discuss the very thing which has been already discussed by this House.

Mr. SPEAKER: Mr. Hashemy, what is the point of order that you were going to raise?

Mr. SYED JALALUDDIN HASHEMY: Sir, I want to refer to section 107 of the rules, in which it is stated that a "member asking leave must hand to the Speaker a written statement of the matter proposed to be discussed and must annex thereto the consent of the Speaker in writing, to his motion." May I know, Sir, whether the mover of the motion has fulfilled the conditions contained in section 107? I further beg to refer to section 108 in which it is clearly written that the decision of the Speaker shall be final. May I know, Sir, whether it is necessary, in view of this, to take the opinion or explanation of the mover or of any Hon'ble Minister in a matter which is entirely in the hands of the Hon'ble the Speaker?

Mr. SPEAKER: Order, order. I think Mr. Hashemy should read the rules a little more carefully. If he does so, he will see that there are two sections—one is 107 and the other is 108. If he looks at the language of section 107, he will find that a member is to ask for leave, and in asking for the leave—which I do not think means asking leave on the floor of the House—he must hand over to the Speaker the written

consent of the Speaker. In other words, the Speaker has two functions to perform: one is to give his consent to a matter being brought up before the House, and when the member has actually brought up the matter before the House and asks for leave, then it is for the Speaker to decide whether it is in order or not. That function comes under section 108, where it says that the matter proposed to be discussed must be in order. Now, before the Speaker decides whether a matter is in order, I do not think it is difficult to visualize that he is not debarred from asking the reason why a particular member wants to move a particular motion. And I think if Mr. Hashemy will please look up the Hansard and also the proceedings of the Central Legislature, he would see that whether a matter is in order or not is discussed on the floor of the House. Of course, I must make it clear that I do not want to follow the procedure of allowing a full-dress debate on that point. So far as this matter of deciding whether this matter is in order or not is concerned, I will ask, the mover, and if necessary, the Leader of the group from which the mover comes, what he has to say on this matter, but I will not allow an elaborate discussion on it.

I have very carefully considered the motion for adjournment of which notice has been given by Mr. Biswas. At the very outset, I must tell him that I am quite satisfied that this is a matter of urgent public importance, but I am restricted in admitting the motion by several governing clauses; and one of the clauses is that the subject of an adjournment motion must not revive discussion on a matter which has been discussed in the same session. Unfortunately, as I have said, Mr. Biswas will find that the Andamans question has already been discussed on a previous adjournment motion, and in discussing the Andamans question, the entire issue of the Andamans prisoners was before the House. It cannot be said now that this or that item could have been discussed but has not been discussed, because, I think, it is a well-known principle in law that even though a case might have been argued on a better point it does not entitle anybody to argue the case over once again. The same analogy holds good here, that the Andamans question has been fully discussed, and as far the term of the motion is concerned—I am not looking at the intention of the mover—I am severely restricted for the time being by the form in which the motion has been presented. I find that you cannot discuss this motion without bringing in the Andamans prisoners in some form or other. In these circumstances I hold that the term of the present motion is not in order. And if Mr. Biswas wishes to revise the term of the motion in quite a different form, as he expressed to me personally, then he is perfectly free to do so. But, so far as the present form is concerned, I am afraid the motion is not in order.

Rai HARENDRA NATH CHAUDHURI: If your ruling stands that, because the Andamans prisoners were discussed once before and

therefore cannot be discussed again, how can this motion be remodelled in such a way as to make it an absolutely relevant issue?

Mr. SPEAKER: Well, I cannot act as the legal adviser of Mr. Biswas, but I can say that if the motion is of such a character that you cannot discuss it without bringing in the Andamans prisoners, it does not come within the purview of section 108. If, however, as I have said, you can change the term of the motion so as to make it conform to the rules, then the motion would be probably in order.

Rai HARENDRA NATH CHAUDHURI: Do I understand your ruling to cover prohibition of all reference to the Andamans prisoners?

Mr. SPEAKER: In my ruling I must be guided by the form in which the Andamans prisoners motion was couched.

Rai HARENDRA NATH CHAUDHURI: May I submit, Sir, that your ruling is that because the question of the Andamans prisoners was discussed therefore it must be supposed that all questions relevant to that issue have been discussed? But how can that be, Sir? The question of repatriation was never discussed!

Mr. SPEAKER: I do not want an elaborate discussion on this matter. It may be that the question of repatriation was not discussed on the last occasion, but you yourself have just now said: all questions relevant to that issue." So, I should think that that question has been discussed in all its bearings. I am satisfied therefore that the motion is not in order, and if you have got to say anything else you can see me in my chamber about this matter.

Rai HARENDRA NATH CHAUDHURI: My submission is that the issue of repatriation was never discussed.

Mr. SPEAKER: I may see it later; I must now see to the term of the present motion.

The Hon'ble Mr. H. S. Suhrawardy was in possession of the House yesterday. (Mr. H. S. SUHRAWARDY: Oh, I am sorry.) We are down for other business to-day; so I must ask the Hon'ble Khwaja Sir Nasimuddin to move his motion for a Procedure Committee of this House.

Motion for Appointment of a Committee to Draft Rules of Procedure and Conduct of Business.

The Hon'ble Khwaja Sir NAZIMUDDIN: Mr. Speaker, Sir, I beg to move that a committee consisting of—

(1) The Deputy Speaker, Chairman,
(2) Babu Jatindra Nath Basu,
(3) Maulvi Tamizuddin Khan,
(4) Mr. Sarat Chandra Bose,
(5) Mr. F. C. Brasher,
(6) Mr. M. Shamsuddin Ahmed,
(7) Mr. Tulsi Chandra Goswami,
(8) Mr. Anukul Chandra Das,
(9) Khan Bahadur Hashem Ali Khan,
(10) Babu Premhari Barma,
(11) Mr. Fazlur Rahman (Dacca University),
(12) Mr. Abdul Hakeem (Khulna),
(13) Al-Haj Maulana Dr. Sanaullah,
(14) Mr. Birat Chandra Mandal,
(15) The Hon'ble Sir Bijoy Prasad Singh Roy, KT., and
(16) the mover

be appointed to draft rules for regulating the procedure and conduct of business of this Assembly under the provisions of sub-section (*1*) of section 84 of the Government of India Act, 1935, with instructions to submit the draft rules for the consideration of this Assembly by the 15th November, 1937; that the number of persons whose presence shall be necessary to constitute a quorum of the said committee shall be seven.

Sir, before I explain the purpose of this motion, I should like to inform you that I very much regret that I have not been able to obtain the consent of all the members proposed for the Committee. I have got the consent of most of them here, but there are three or four members whose consent I have not yet been able to obtain as yet.

Mr. SPEAKER: Will you please hand over your list to me?

(The list was handed over to Mr. Speaker.)

Dr. NALINAKSHA SANYAL: On a point of order, Sir. I understand that the consent of some of the members whose names have been mentioned by the Hon'ble Minister in charge has not been obtained. Will you allow this motion to be in order?

Mr. SPEAKER: I think you ought to allow reasonable opportunity to the Speaker to exercise his function before you rise on any point of order. The Hon'ble Khwaja Sir Nazimuddin definitely mentioned that the consent of three or four members has not been obtained. I have asked him for the names of those members. I have not yet given my decision as to whether I would give my permission to include them. I would request Dr. Sanyal to desist from rising on a point of order before I give my decision. I would request others to help me also.

The Hon'ble Khwaja Sir NAZIMUDDIN: The names are Mr. Tulsi Chandra Goswami, Babu Jatindra Nath Basu and Dr. Sanaullah whose consent I have not been able to obtain. As far as I know they are willing to serve. If you permit and the House permits I would request that this rule about consent may be waived on this occasion. It depends on you first and later on, on the House because it is a new Assembly altogether. We took steps rather late in the day and relied on the members here to give their consent. Of course we will have to suggest names if you do not give your permission.

Mr. SPEAKER: Don't you think it would be better for you to omit these names and move a fresh motion for adding those names when you get their consent? That would be a better procedure. Of course in a motion like this usually and very strictly I would not allow in any select committee or any committee to be formed names to be included unless consent has been taken. As you have said, it is a matter of procedure of the House. If the House makes a rule, that in a matter like this consent can be waived, I have no objection. Mr. Bose, do you think that consent should be waived on this occasion?

Mr. SARAT CHANDRA BOSE: Is it not possible to pass over this item for a few minutes?

Mr. SPEAKER: We can postpone till the Bills are over and take it up at 6-30, immediately after the prayer interval. The strict letter of the law has been carried out and we may go on with other business. Mr. Suhrawardy, you were in possession of the House yesterday.

LEGISLATIVE BUSINESS

GOVERNMENT BILLS.

The Bengal Legislative (Members' Emoluments) Bill, 1937.

The Hon'ble Mr. H. S. SUHRAWARDY: Yesterday when you adjourned the House I believe I was talking on the point as to what figure the members of this House should appropriately get as their salary. The honourable members of the House know that they can

vote any figure they like and there is no power which can restrain them; also, Sir, there is no figure which we can name which can compensate them for the loss which they will have to sustain by their continuous attendance in Calcutta for performing the functions of the Legislature.

Then there are certain things which have to be considered, namely, the amount of allowances which were drawn before in the old regime: also the state of the finances of Bengal and the figure the members could take which will be justified before the public as a reasonable remuneration. I have already indicated the sum which I consider reasonable.

It was somewhat of a surprise, Sir, to see that those members of this House who have been consistently voting and canvassing against the Ministry and have been opposing the salary of the Ministers on the ground of economy should have gone round and requested members to vote for a higher salary for themselves thus arousing their cupidity. That is not very surprising inasmuch as they are doing so not with definite purpose of being able to shake the moral sense of the members but in the pursuance of the usual method of opposition which they have adopted. (Voices from the Opposition benches: Not from this side of the House.) I have heard some arguments as against these allowances to the effect that Bengal would not be prepared to pay this salary to the members. Sir, I beg to disagree: I believe on the other hand that the poor people of Bengal do realise the fact that their representatives ought to be paid an allowance for the service they render. I do not think that the members of the Assembly will not be able to justify the allowances before their electorates. We hope in return that they will give of their best to the province and that we shall have a number of really sound politicians arising amongst us—not the dilettante politicians who merely come here for the purpose of blowing hot air while their interest lies elsewhere—who have taken the serious task of forming public opinion and of directing people along the right lines of government. With these observations I commend the amendment before the House.

Clause 2.

Mr. PRAMATHA NATH BANERJEE: I rise to support the amendment moved by my esteemed friend Mr. Sinha. The net result of the acceptance of that amendment will be that no honourable member of this House excepting the Hon'ble the Speaker, the Deputy Speaker and the Hon'ble Ministers will be in receipt of any salary and that the daily allowance of the honourable members of this House will stand at Rs. 6 per diem as proposed by Government. I need not quote figures in support of my proposition. The Hon'ble Finance Minister to-night in answer to a question put by my friend Dr. Sanyal has supplied figures and according to those figures Bengal will be saddled with an additional

cost of Rs. 20,27,000 for the working of the new Reforms. The Hon'ble Finance Minister in his supplementary answer to-night has told us that this huge sum will not include the salaries or allowances proposed to be paid by the Bill which he has moved. Therefore the net result of the working of the Reforms in this province will be an additional cost of administration to the extent roughly of about Rs. 30 lakhs. Let honourable members of this House pause, and consider this, let them ponder over the huge amount that the public exchequer will have to yield. Ultimately next year the whole of the people of Bengal will have to shoulder this additional cost by way of taxation. The Hon'ble Finance Minister started this year, as I told you, Sir, the other night, under auspicious circumstances. Those auspicious circumstances may not last and yet if the salary which is being proposed by the Finance Minister is paid, then the additional burden of taxation will evoke bitter discontent from all sides. During the last three nights we have been regaled with the spectacles of unusual nature. The Finance Minister proposes salary for honourable members. Instead of making the Bill prospective, my Muslim friends want to make the Bill retrospective in character—to make it operate from 1st April, 1937. This is a proposal wholly opposed to justice and law. Faced by a revolt amongst its own followers, the Government accepts the proposal. This is opposed to all canons of constitutional law, custom and usage. The Hon'ble Finance Minister proposes a salary of Rs. 125: he introduces his Bill to that effect: the Bill is under discussion and then Mr. Suhrawardy, a member of the Cabinet which is supposed to have a collective and individual responsibility, stands up and accepts an amendment from a private member belonging to his party for increasing the salary from Rs. 125 to Rs. 150.

The Hon'ble Mr. H. S. SUHRAWARDY: I cannot accept that amendment. I may support it.

Mr. PRAMATHA NATH BANERJEE: Mr. Suhrawardy's interruption make the position far more difficult, because he raises a constitutional question of vital importance. In the Instrument of Instructions to His Excellency the Governor of Bengal it has been clearly stated that His Excellency must try to establish the solidarity of the Cabinet. We do not know yet what policy this House will be called upon to accept. Is it the Bill of the Hon'ble Finance Minister for paying a salary of Rs. 125 or is it the interruption or the interjection on the part of Hon'ble Mr. Suhrawardy for the acceptance of Rs. 150 a month? It is a difficult constitutional conundrum, and the verdict of this House must necessarily find the solution of this important problem. A few nights ago my esteemed friend Mr. Clark spoke about the premier position of Bengal and he said that with regard to this premier province the question of additional cost with reference to the payment of salaries to the

Ministers does not really matter. May I ask him in all seriousness if Bengal stands to-day where she stood yesterday? Bengal is headless, her capital taken away, she is shorn of her limbs—her children taken away and scattered like the lost tribes of Israel throughout her neighbouring provinces. She suffered from pernicious anæmia under the Meston Award for a long period of 16 years. Her people are starving. Bengal is not what she was yesterday. She is the Niobe of nations—there she stands; childless and thornless in her voiceless woe.

My friends Maulvi Abul Hashim and Maulvi Abdul Bari the other night talked about an extra expenditure of a few lakhs over the salaries of the Hon'ble Ministers in a somewhat scent-hearted, I will not say in a light-hearted manner because I shall be called to order by the Chair.

I quite appreciate and realise the greatness of the testimonial which Mr. Bari gave me the other night. On enquiry I came to learn that he was my pupil. I had a shrewd suspicion about it from the very first, because of the torrential eloquence which flowed from his lips and drowned his arguments. The shades of evening of years are falling thick and fast on me and when the midnight comes I shall undoubtedly look into the reports of this august Assembly—reports not in print but in characters of amber and of gold and read re-read the testimonial which my pupil was so pleased to give. That testimonial will act as a solatium to me in my days of retirement and in my preparation for that journey from which no traveller has yet returned.

The Hon'ble Mr. H. S. SUHRAWARDY: Ah!

Mr. PRAMATHA NATH BANERJEE: The Hon'ble Mr. Fazlul Huq, the Chief Minister, has made a mistake. He might have appointed the Hon'ble Mr. Suhrawardy, Minister, not only for Labour but also for interruptions, interjections and jests. (Mr. SARAT CHANDRA BOSE: and for bad manners.) Mr. Speaker, Sir, I will not add bad manners because my friend Hon'ble Mr. Suhrawardy is so meticulous about good manners himself. (Hon'ble Mr. H. S. SUHRAWARDY: That is the monopoly of the other side.)

Mr. SARAT CHANDRA BOSE: Mr. Speaker, on a point of order, Sir——.

Mr. SPEAKER: Mr. Bose, I am afraid, you have invited it. I heard that you were prompting Mr. Banerjee to say "bad manners" and if by way of retort he says anything, I do not think I can stop him.

Mr. SARAT CHANDRA BOSE: I did, Mr. Speaker, suggest to a member of my party that that expression should be added, but if a

member wants to interject, should he not get up and then object? Can he make running comments sitting on his seat? I would ask a ruling from you as that is going on continually.

Mr. SPEAKER: Yes, certainly he should get up.

Mr. PRAMATHA NATH BANERJEE: Sir, I am accustomed to interruptions from the Hon'ble the Minister for Labour. He always labours under some point or other. Sir, the point which I was making is this, that so far as the amenities proposed are concerned, we have to take careful note of the future state of the finances of this country. Sir, the honourable Mr. Bari pointed out to me the other night that I made an omission in not taking into account the case of England. He referred to the House of Commons, the mother of Parliaments. Sir, I did not refer to the House of Commons not because I felt that this august Assembly is a very unfortunate step-daughter of that mother but because the revenues of England have no comparison whatever to the revenues of this province. Sir, this year I find that the revenues of England have come up to more than 1,200 crores: the revenues of this province notwithstanding the optimistic financial faith of the Hon'ble Finance Minister, are 12 crores and 50 lakhs. According to a very modest mathematical calculation the revenues of England are hundred times the revenues of this province. If, Sir, salaries in this country were fixed not in the ratio of geometrical progression but according to arithmetical proposition, then the salary of the Hon'ble Chief Minister—I make a rough calculation—should have been at that rate Rs. 100 per month, a salary which under certain conditions the Hon'ble Chief Minister was prepared to accept the other night. At that calculation, Sir, the salaries of the members of the Legislature should have been not Rs. 125, not Rs. 150, but Rs. 1-4 and Rs. 1-8 per month, figures which I hope even the honourable members of this House will find it difficult to digest. My last appeal to all the members of the House is to support this side of the House in its self-denying ordinance. Let us not imitate the Hon'ble members of the Treasury Bench in their policy of self-determination. Let us by our self-abnegation attempt to solve the problem of *dal bhat* so dear to our Hon'ble the Chief Minister of this province, and Sir, if this Bill is passed into law, then we shall have perpetrated a crime not only upon the poverty but upon the ignorance of the illiterate electorate. If this measure is passed into law, Mr. Speaker, I sum up my deep despair in the words of Lord Byron "For Creeks-a blush, for Greece-a tear".

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I had no intention of rising and taking up the time of the House. The question is whether any elderly statesman like me probably occupying the position of one who has been in this House for a long time should

hesitate to give out his mind. While we were in the old Council in 1912, we were just five persons from among the Muslim community who were all men of affluence and position and never cared at that time even to send their bills to Council for payment. People at that time could never imagine that a man of ordinary means could come to this House and could legislate for themselves. They believed that only men with money would come to the Council and take part in the deliberations of the House. But time has changed, and now we all know that those who pay a tax of just six annas are allowed to send their representatives here. Among the members here, as you are aware, there are very poor people who cannot afford to work without sufficient help from the Exchequer. So even the Parliament thought that when they were thinking of sending the poorest section of the people here they should make provision for the salary to be given to the members of the Legislature. This provision for salary of members exists not only in India but for Parliaments of other countries. So, if the representatives of the wealthier section of the House took into consideration the case of the poorer section of the House and vote for the salary, it should not be taken very seriously. The Hon'ble Mr. Nalini Ranjan Sarker has repeatedly told us that unless the poorer section would get some relief from the heavy burden of taxation, country would not be in a good state and for this those who have come from the wealthier section will have to pay very heavily to meet the demands of the poorer section, and I hope that it will be possible for them to wholeheartedly support any measure that may be taken in this direction. I believe, therefore, that it is not a wrong proposition if the poorer section just for their very existence wants some little help from the Exchequer. I know several friends of mine both in the old Council as well as in the new who cannot afford to be so very generous as to come here and work the whole day and take nothing. I want to ask my friends to seriously consider whether the representatives of the wealthier section should not consider the point of view that I have placed before them and I hope that in the interest of the poorer section of the House they will not raise their voices against this measure.

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir. The last speaker the Hon'ble Nawab Musharruff Hossain has been speaking of the poorer section and the wealthier section of this House. I know the Nawab Sahib claims to belong to the latter, but is there such a difference as he is entitled to characterise one section as poorer section of the House?

Mr. M. SHAMSUDDIN AHMED: I had not the least intention of participating in this afternoon's debate, but for the remarks that have fallen from a member of the Cabinet after the members of the Cabinet got into their pockets Rs. 2,500 each. I do not want to characterise

which section is richer and which is poorer. After having received Rs. 2,500 per month it does not lie in the mouth of a Cabinet member to characterise the members of the House as poorer and richer. I feel this an affront to the members of this House and an insult to the House. All members of the House have come as members and it does not lie in the mouth of the Nawab Sahib to give a solatium to the members of the poorer section of this House. I could quite appreciate if he had intended to speak from other point of view but not the point of view that he has thrown to this House. I believe no more insult can be offered to the House than the remarks of the Hon'ble Minister.

Mr. DEBI PROSAD KHAITAN: This question does involve a matter of great principle to my mind. I am afraid that the matter may not stop here, the Hon'ble Nawab Musharruff Hossain, though wrongly, put it on the ground of the richer and poorer sections of this House. What is there to prevent on similar grounds in the municipalities, district board and other public bodies from a similar demand being put forward by the members of these Houses for monthly salaries. I do not know, Sir, where the matter will end. The Hon'ble Nawab Musharruff Hossain was pleased to quote another Hon'ble Minister, Mr. Nalini Ranjan Sarker, as saying that the richer section of the people will have to part with a large portion of their property in order to improve the condition of the poorer section of the people at large. Now, Sir, I ask where the money that is going to be paid to the members of this House is to come from. Does it not come from the revenues derived from the land revenue, stamp duties and other sources of the revenues that come to this province? Do not they come from the poorer section of the people for whom the Hon'ble Nawab Sahib stands? The richer section of the people do pay taxes but almost all that taxation goes to the Central Government, and a very small portion of it comes to the pocket of the Hon'ble Finance Minister of the province. Almost the whole of the provincial revenue is made up of income that comes from the poorer section and it is the poorer section of the people that will be taxed further in order that the poorer members of this House are to be paid a monthly salary. Is that fair? I submit that it is not fair at all. Let us first embark upon constructive programmes in order to improve the economic condition of that poorer section of the people for whom the hearts of all of us bleed so profusely. I have heard nothing so far put forward for constructive programmes for the economic betterment of the people at large. All that we find here is that salaries should be paid to so and so and that salaries should be paid to so and so. First let us put forward constructive programmes for improving the condition of the poorer section and then embark upon money-giving ceremony either to the members of the House or to the members of the municipalities or the members of the district boards. I support the amendment that has been moved by my hon'ble friend Mr. M. B. Sinha.

Mr. BARADA PROSANNA PAIN: Sir, I, too, support my friend Mr. Manindra Bhusan Sinha wholeheartedly. Before I say what I have to say on this matter, I will tell you that there is a fear now-a-days lurking in our minds that no one can speak in this House without the risk of either being misreported or misinterpreted in the press. I do not know, Sir, whether you have been a victim yourself; I have been only recently. In a newspaper which is published within a few hundred yards from this place and which, either under the stress of circumstances—or perhaps ironically—claims to be India's "Friend"; and India's national newspaper, I was reported as having been "rebuked" by you on Wednesday evening. What I suggested to you then was suggested with the best of intentions and I never for a moment intended to show any disrespect to the Chair. When exception was taken by you to my remarks, I gave you my explanation and I understood you were good enough to accept it. This newspaper is very ably represented here by one of the members of its editorial staff and since then I have been waiting here for him or any other European member to get up and say what their views are with regard to this question.

I wish also my friend, the Hon'ble Finance Minister, to tell us whose idea it was to pay salaries to members of this House. (Hon'ble Mr. A. K. Fazlul Huq: "Government of India Act".) The Government of India Act does not make it obligatory that the members of this House should be paid a salary. The Government of India Act says that members shall be entitled to a salary which the House may fix, but that does not mean that members of this House must be provided with salaries and must take salaries.

The Hon'ble Nawab Musharruff Hossain put in a very vigorous plea for the poorer section of this House. We on this section of the House are the poorest and none of us has ever asked for any allowance or salary being paid to him. When this proposal was brought forward, we made an equally vigorous plea that this Act should not be foisted on us. On our left I see some Rajas, Knights, Bankers and other rich people and I think they do not want to be paid Rs. 125 a month. To their left are the European members and I suppose, Sir, I would be betraying confidence if I say that each one of them earns more than Rs. 125 per diem. What will they do with Rs. 4-5 per day? That will not buy for them half a bottle of whisky. In front of us, we find members of illustrious houses and distinguished noble men and none of them, I take it, likes to be paid a salary of Rs. 4-5 a day. Who then, I ask, asks for salaries to be paid to members? When I heard the Hon'ble Mr. Suhrawardy supporting the amendment for an increase of the amount laid down in the Bill, which appeared to me to be an act of positive discourtesy to the Hon'ble Finance Minister, I had my suspicions. When I heard the Hon'ble Nawab Musharruff Hossain also putting forward a plea for the payment of salaries to members, my suspicion was strengthened. Notwithstanding the pleas of these

Hon'ble Ministers, I shall appeal to the European members to resist this attempt to force salaries on members. I shall ask them, Sir, out of sheer self-respect to decline to accept this amount. The Hon'ble Mr. Suhrawardy was pleased to observe that this amount was to be paid for the services rendered. Am I to understand, Sir, that the services hon'ble members render in this House are calculated by the Hon'ble Mr. Suhrawardy at the rate of Rs. 4-5 per diem.

The Hon'ble Mr. H. S. SUHRAWARDY: May I rise on a point of personal explanation, Sir? It is hardly fair to say that the services are calculated at Rs. 4-5. What I actually said was that the services that are rendered by the members are incalculable and cannot be measured by any amount of money.

Mr. BARADA PROSANNA PAIN: Very well, Sir, I stand corrected. Why then, I ask, attempt to measure it by such a low standard? I would appeal to my European friends to make history in Bengal by going with us to the same lobby in our efforts to throw out this proposal. There is no sinister meaning behind this amendment of ours. We do not want to foil the Ministry or to wipe it out. What is there to prevent them from voting with us on this amendment? To the Hon'ble Finance Minister I shall make a personal appeal to accept this amendment, notwithstanding the difficulty that has been created by the Hon'ble Mr. Suhrawardy. If my appeals are not heeded, if they go in vain, I shall use other arguments. I shall ask them to look at the matter from another view point. There are 55 of us and if we want to take Rs. 150 per month you are offering us, it will make up a total very close on one lakh of rupees every year. Supposing we take that amount and pool it, and apply it to Congress and Assembly work—if we did that, then those who want to foist this salary on us will be hoisted on their own petard; and it is more than likely that with brains in our heads money in our pockets, and determination in between, we shall be able to substitute the Ministry by another Ministry of a truly responsible and democratic character.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I think that in the best interests of fair debate all this discussion should now cease. The question before the House is a very simple one. The Government of India Act authorizes the payment to the members of such salary or allowances as may be determined by the House. The Hon'ble Finance Minister introduced this Bill suggesting or taking power that the payment should be made in accordance with the provisions of the Act. Now, Sir, the Act does not lay down that it is obligatory on the members to take the money. I can assure my friend, Mr. Barada Prosanna Pain, that the Accountant-General is not going to sign a cheque on us. Every member has got to submit his bill, and if he does not

want to take this money, he will not submit his bill. I find from a very simple calculation that if the members of the Congress group and those who are of the same opinion refrain from accepting the salary that they can take when this Act is passed, it will save the public revenues something over a lakh of rupees every year. I appeal to my friends to come forward and prove their profession of sympathy for public economy by refraining from accepting this money (hear, hear).

Sir, as for my friends on this side of the House, they are very honest and frank. They say that most of them have to sacrifice their time, their convenience and their business in order to come here and attend meetings of this House. There are many of this side, I know personally, who are rising lawyers, busy men in the profession whose business would be entirely dislocated by having to attend the meetings of the Legislative Assembly which will be far more frequent than they have been before. In these circumstances, it is very natural that they should frankly say that they desire some kind of compensation. It is difficult for those placed in favourable position in life like my friend, Mr. Pain, to understand the difficulties of persons who have got to make their way in the world under difficulties and under inconveniences. My friend earns at least Rs. 125 a day. He is one of those to whom Rs. 125 is a trifle. Therefore, he is crying down the members on this side of the House merely for accepting a proposition that they should be paid a certain salary.

Sir, much has been made of the point by my friends that my friend, the Hon'ble Mr. Suhrawardy, supported a motion which has countered the proposal put forward by the Hon'ble Finance Minister. It is only that Mr. Suhrawardy has pointed out that Government is at liberty to accept any suggestion in modification of any original proposition that might have been put forward. The Bill was introduced with certain suggestions as a basis for discussion. The discussion has so far shown that the majority of the members do want a salary higher than that suggested, viz., Rs. 125 a month, and I do not see anything incongruous or inconsistent if a member of the Government were to say that he, personally, and in his capacity of a member of this House, would prefer the amendment rather than the suggestion originally put forward by the Hon'ble Minister in charge of the Bill.

Sir, as regards one or two remarks made regarding the speech of my young friend Mr. Hahsim, I can only remind the House that all that my friend meant was that members in coming to this House have got to make certain sacrifices, which require compensation. This may not be true in all cases, but it is true in the majority of cases; and it is from a consideration of the condition of the majority that a conclusion has got to be arrived at. I submit, therefore, that the point is a very simple one, and I pray that the House will consider it just as a simple proposition should be considered, viz., solely from the point of view of

the necessities of the day, and that they will allow the Bill to be passed, leaving it entirely to those who are so minded, in the interests of economy, not to accept the salary. Those, however, who frankly admit that they cannot do without a salary will take it. The Accountant-General, Bengal, will be quite unconcerned as to who submits a salary bill or who does not.

Mr. BARADA PROSANNA PAIN: On a point of order, Sir. The Hon'ble the Chief Minister was not entitled to pry into my private affairs and to say that I was earning Rs. 150 and more a day, as this will set the Income-tax Officers on my trail!

The Hon'ble Mr. A. K. FAZLUL HUQ: I have seen him earning more than Rs. 150 a day, Sir.

Mr. AFTAB ALI: May I rise, Sir, on a point of information? The Hon'ble Minister in charge of Commerce and Labour said the other day——

Mr. SPEAKER: Order, order. You cannot ask for information on a point which has been disposed of already. You ought to have put your question immediately after the statement was made. I think the whole purpose of conducting legislative business here will be stultified if I were to permit information to be given on a speech which was delivered partly yesterday and partly to-day.

Rai HARENDRA NATH CHAUDHURI: May I rise, Sir, on a point of another information? May I ask the Hon'ble the Finance Minister just to make it clear what has happened since the introduction of the Members' Emoluments Bill yesterday which has made the consideration of the convenience of the majority of members so supreme in the eyes of Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: Perhaps, I may be permitted to answer the question that has been put. All I can say is that after the introduction of the Bill there has been a party meeting of the Coalition Group, and there we found that there were differences of opinion on this matter. The majority of the members were of the opinion that Rs. 150 per month would be a fair figure. So, Government agreed to this sum.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, the main object of introducing this Bill was to create an opportunity for the members of this legislature to discuss and decide what effect, if any, could be given to the provision of section 72 of the Government of India

Act. It is entirely in the hands of members to fix a higher salary, a lower salary, or provide no salary at all. [Mrs. HASINA MURSHED: Even Rs. 2,000 (laughter).] Srijut Manindra Bhusan Sinha must have been inspired by a very noble ideal of simplicity in bringing forward his amendment. Mr. Sinha has himself in his private life conformed to this ideal of simplicity. After all, every one of us cannot shape our lives in the way he has done; otherwise his appeal would have received more sympathy and response. But, Sir, in the prevailing conditions of the world such simplicity is a very difficult thing to achieve. I take his amendment with all the respect that I can bestow on it, because I find that he himself has conformed to the ideal which he wants to set up by his amendment. But, Sir, I am reluctant to give any serious consideration to the appeal of my friend Mr. P. N. Banerjee. In the last debate on the Ministers' salaries also Mr. Banerjee proposed that the Ministers should not get more than Rs. 500 per month. I am reluctant to set up a standard which I myself cannot conform to. I know of institutions and places where Mr. Banerjee has got some influence, and I also know of cases where, though he himself can determine things, he has allowed even part-time professors larger emoluments than he is pleased to prescribe for the Ministers who are responsible for the entire administration of this province.

Mr. PRAMATHA NATH BANERJEE: On a point of order, Sir. The Hon'ble the Finance Minister should be sure of his facts before he makes any statement on the floor of the House.

The Hon'ble Mr. NALINI RANJAN SARKER: If that is necessary, while discussing the budget items, I shall lay the whole accounts of the institution before the House to show that there are men who earn by part-time service in that institution a larger sum that what Mr. Banerjee has proposed for the Ministers, in addition to being allowed to proceed with their normal avocations. Let this be remembered, Sir, that only for this part-time service, these gentlemen are given emoluments more than what he has proposed for the Ministers for their whole-time and onerous duties.

Mr. PRAMATHA NATH BANERJEE: Undeterred by these threats, Sir, I shall invite that discussion from the Hon'ble the Finance Minister.

The Hon'ble Mr. NALINI RANJAN SARKER: If in the selection of representatives for the people only men like Mr. Sinha are to be sought, then I think, Sir, the field of choice will be very much narrowed down, and I do not think proper representation can ever be obtained for the different classes and communities. Then Mr. Sinha and some other members have raised the question of District Boards'

and municipalities where the members are unremunerated. In District Boards and municipalities, those who are in charge of the administration of those institutions, generally live in their places of profession and business. But here they have to come to an expensive metropolis to discharge their duties, not for one day or for two days, but for months on end. Under these circumstances, therefore,—under the prevailing conditions of our society—it is very difficult for members to devote themselves to this sort of duty without any compensation for their services. If, Sir, all of us could have been inspired by the noble example of my friend Mr. Sinha—certainly labour of love is very ennobling and nothing can be more ennobling than service of the country—it would have been all to the good. But under the present condition of society, as I have said, I think money has got some value, and it is no use not recognizing that fact.

Some members have complained that it will cost an enormous amount of money. If the amount that we have ourselves put down in the Bill is passed, I think the additional expenditure will be Rs. 2,35,000 more than what it should be under the existing rules and conditions. If, however, the amendment of my friend Mr. Hashemy, is accepted by this House, I think the cost will be Rs. 4,00,000 in excess of the present expenditure under this head. So, considering all the circumstances, this matter will depend entirely on the House. If they think that no salary is necessary, we have nothing to say. If, on the other hand, some members think that a higher salary is necessary than what we have provided in the Bill, then we shall have no option in the matter but to agree to it.

Mr. PRAMATHA NATH BANERJEE: On a point of information, Sir. As the Hon'ble the Finance Minister has resumed his seat, may I know from him through you what exactly he is moving? Is he moving for a salary of Rs. 125 or Rs. 150 a month?

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I have moved the Bill.

Mr. SPEAKER: I think that so far as the Government attitude is concerned, they stick to the Bill and leave the Opposition to accept the amendments or not, and that Government will accept their decision in this matter. I think that is the attitude of the Treasury Bench.

Rai HARENDRA NATH CHAUDHURI: May I inquire, Sir, on which side the Government will vote on these motions?

Mr. SPEAKER: That is, of course, more than I can say.

I might say that I will first put before the House the amendment of Srijut Manindra Bhusan Sinha, which is farthest from the Government's proposal, inasmuch as it proposes that there should be no salary

at all. After that I will put the amendment of Mr. Syed Jalaluddin Hashemy, which is next furthest, viz., the one which proposed to increase the emoluments to Rs. 250 per month, and lastly, I will put Maulvi Abul Hashim's amendment for Rs. 150 per month.

Srijut Manindra Bhusan Sinha's amendment that clause 3 be omitted was then put and a division was asked for by the Leader of the Opposition.

(The division bell rang and the members assembled, when Mr. Speaker read out the amendment and again a division was called.)

Mr. SPEAKER: In order to economize the time of the House I shall exercise the power which is vested in me, viz., I would request those gentlemen who are in favour of the amendment to rise in their seats so that a count may be made of their number.

Mr. SARAT CHANDRA BOSE: May not the names be recorded, Sir?

Mr. SPEAKER: I have heard your point, that you desire that the names should be recorded. The rule, as it stands now, does not make any such provision. The rule says that the Speaker may in his discretion, instead of taking votes as provided for in 3(*b*), call upon the members, who claim a division, to rise in their seats, and thereafter the other members also to rise in their seats, and take a count or direct the division to be taken through the lobbies in the manner provided in 3(*b*). There is, therefore, no provision for names being recorded, but I might say without being misunderstood that in future I shall follow the convention that whenever I find that the number of members who claim a division is over 60, *i.e.*, nearly one-fourth the total number of members, I will ask a division to be taken through the usual method, because it is a fair number. But when the number is less than 60, as in the present case, being only 57, I will not ordinarily follow the usual method. That is the principle I am following for the time being. If you have anything more to say, will you please see me in my chamber? I may again repeat that, under the rules, there is no provision for names to be recorded.

Mr. JOGESH CHANDRA GUPTA: I think, Sir, that the number has been fixed for certain purposes at 42, and that has been done not without some sort of calculation. Generally speaking, one-sixth of the total number of members is taken, and the framers of the Code have also provided for 42 members as the quota for an adjournment motion to be considered for admission. May I suggest to you, Sir, that if the number is below 42 then no division through the lobbies may be granted, but that if the number is above 42, it will be consonant with the scheme of the Act to fix the number at 42?

Mr. SPEAKER: Mr. Gupta, I shall be very glad to discuss the matter with you and consider your point if you would please come to my chamber; but for the time being I declare that the Noes have it, as I find that the the number of those who are in favour of the amendment is only 57.

Mr. NIHARENDU DUTTA MAZUMDAR: On a point of order, Sir. In the matter of a division by count it has been noticed that members constantly rise and resume their seats in the course of the count, and, therefore, as regards the number of votes cast on any one side, there may be great doubt as to the exact number.

Mr. SPEAKER: I would ask Mr. Dutta Mazumdar to read the rules before he raises such a point of order again.

The amendment of Mr. Syed Jalaluddin Hashemy was, by leave of the House, withdrawn.

Mr. SPEAKER: I shall now put the motion of Babu Prem Hari Barma to simplify the procedure, as it is non-contentious.

Babu Prem Hari Barma's amendment that in clause 3, in the last line, after the words "per mensem," the words "with effect from the date on which he takes his oath" be added, was put and agreed to.

Mr. SPEAKER: I shall now put the amendment of Maulvi Abul Hashim, that in clause 3, in line 2, for the words "one hundred and twenty-five" the words "one hundred and fifty" be substituted.

The motion was put and agreed to

Clause 3.

The motion that clause 3, as amended, stands part of the Bill was put and agreed to.

(*Adjournment.*)

The House was then adjourned for 15 minutes.

(*After adjournment.*)

Mr. SPEAKER: Before I take up the next item, I might say that my attention has been drawn to the method of taking divisions and also to certain Parliamentary practices in connection therewith. I have considered the matter in the light of these facts, and while it is within the rights of the Speaker to accept or not to accept a division, on the ground that it is of a dilatory or obstructive or frivolous nature, I feel

that it would probably meet the wishes of the House if I ruled that, although discretion is retained to the Speaker as to the method of division to be adopted, *i.e.*, to decide whether a division will be by show of hands or not, if a section of the House claims a division, I will henceforth follow the practice of having the names of the members voting recorded. I propose to do so in the future.

The Hon'ble Khwaja Sir NAZIMUDDIN: Mr. J. N. Basu has given his written consent. But it has not been possible to obtain the consent of Mr. Tulsi Chandra Goswami and Dr. Sanaullah. In view of the representation made by the Leader of the Opposition, Government have agreed to add two more names from the opposition. So I am prepared to accept a short-notice amendment if you permit it to be moved from the other side in which three names from the Opposition will be suggested, and I hope that you will permit the inclusion of one other member from our side in place of Dr. Sanaullah. In that case the Select Committee will consist of 18 members instead of 16. As far as the Select Committee itself is concerned, I am sure that the House does not expect me to make a lengthy statement on it. It is necessary that the rules and the standing orders should be amended and the most convenient method of doing this is to appoint a Select Committee. After the House has received the Select Committee's report if the members so inclined, they can go into it section by section, clause by clause.

Mr. SPEAKER: Under the circumstances, two names will be omitted because their written consent has not been obtained—Dr. Sanaullah and Mr. Tulsi Chandra Goswami. Now, a short-notice amendment will be moved which Government will accept.

Mr. KIRAN SANKAR ROY: I beg to move a short-notice amendment that the names of the following members:—

Rai Harendra Nath Choudhuri,

Mr. Pramatha Nath Banerjee,

Dr. Nalinaksha Sanyal,

be added to the Committee.

The Hon'ble Khwaja Sir NAZIMUDDIN: We accept the amendment.

Mr. SPEAKER: I want to know what name you want to include from your group.

The Hon'ble Khwaja Sir NAZIMUDDIN: Khan Bahadur Abdur Rahman.

Mr. SPEAKER: Do I take it that all other amendments are either disposed or withdrawn?

Mr. NIHARENDU DUTTA MAZUMDAR: I beg to move that the names of Maulvi Asimuddin Ahmed and Mr. Bankim Mukerji be added to the Select Committee.

Mr. SPEAKER: Have you got their written consent?

Mr. NIHARENDU DUTTA MAZUMDAR: I have not.

Mr. SPEAKER: Then, I am afraid, I shall not be able to accept your amendment.

Mr. NIHARENDU DUTTA MAZUMDAR: I have got their verbal consent.

Mr. SPEAKER: That is no ground for accepting your amendment. You know that this is the ground on which Sir Nazimuddin's motion had to be postponed. I think that when a member proposes a name he must declare that he has got the written consent of the member. Unless you lay down a definite procedure that in every case a written consent will have to be handed over, difficulties may arise.

Mr. NIHARENDU DUTTA MAZUMDAR: I should like to know whether there is any such definite rule.

Mr. SPEAKER: It has all along been the convention everywhere that no motion for select committee can be moved unless the written consent of the member is given. I am afraid I cannot change it, and I cannot accept your amendment unless you are able to show the written consent of the members. Sir Nazimuddin has had to omit the names of Mr. Tulsi Chandra Goswami and Dr. Sanaullah on the ground that he has not been able to get their written consent and that written consent can be obtained up to the stage when one moves the motion. Unless you are able to hand over to me their written consent, it is very difficult for me to accept your amendment.

The Hon'ble Khwaja Sir NAZIMUDDIN: Actually the motion was postponed to enable us to obtain the written consent of the members

named. Mr. Niharendu Dutta Mazumdar was here and he heard what was going on.

Mr. NIHARENDU DUTTA MAZUMDAR: I heard there was some doubt as to whether actual consent was given by any member. No question of written consent arose at that time. I do not think written consent is necessary. I understood that only consent is necessary.

Mr. SPEAKER: You have given notices of amendments in every one of which we have been asking for the written consent of the members before the amendment is moved and it is the Parliamentary practice throughout. The House must know definitely whether these people are willing to serve. You need the decision of the House. Supposing a member does not agree to serve after giving verbal consent, the House cannot be expected to take a speculative venture. So you must have something to show before the House that the written consent is there.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, if you will permit me, I shall obtain their written consent and hand that over to you now. The members named are in the Chamber.

Mr. SPEAKER: All right.

Mr. B. MUKERJI: I have given my consent.

Mr. SPEAKER: I must have a written document.

Mr. PRABHUDAYAL HIMATSINGKA: May I know if the written consent of Mr. J. N. Basu has been obtained?

Mr. SPEAKER: Yes, I have got it.

The motion of Dr. Niharendu Dutta Mazumdar was then put and lost.

Mr. SPEAKER: The motion of the Hon'ble Khwaja Sir Nazimuddin as amended was then put and agreed to.

The Bengal Legislative Chambers (Members' Emoluments) Bill, 1937.

Mr. SPEAKER: We will now proceed with clause 4.

Maulvi ABUL HASHIM: I beg to move that for clause 4 the following clause be substituted, namely:—

"4. Subject to such conditions as may be determined by rules made under this Act:—

(*a*) there shall be paid to the members not ordinarily resident within such distances, as may be prescribed by the rules made under this Act, of the place at which their attendance is required in connection with their duties as members—

(*i*) daily allowance at the rate of Rs. 10 per diem,

(*ii*) travelling allowance for journey by rail or steamer at the rate of one and a half times first class fare, and

(*iii*) road mileage allowance at such rates as may be fixed by rules made under this Act; and

(*b*) there shall be paid to all members conveyance allowance for attending meetings at the rate of Rs. 2-8 per diem."

Srijut MANINDRA BHUSAN SINHA: I beg to move that in clause 4, in line 2, after the word "Act," the following words be inserted, namely;—"and approved by the Bengal Legislative Assembly;" to move that in sub-clause (*a*) of clause 4, in line 3, after the words "under this Act," the words "and approved by the Bengal Legislative Assembly" be inserted; and to move that in sub-clause (*ii*) of clause 4 (*a*), in line 3, after the words "this Act," the words "and approved by the Bengal Legislative Assembly" be inserted and in sub-clause (*b*) of clause 4, in line 3, for the words "first class," the words "third class" be substituted; and in sub-clause (*b*) of clause 4, in line 4, for the words "lowest class," the words "third class" be substituted; and in sub-clause (*b*) of clause 4, in line 7, for the words "three maunds," the words "one maund" be substituted.

(The member spoke in Bengali in support of his motions.)

Mr. PRABHUDAYAL HIMATSINGKA: On a point of order, Sir. The Act has been proposed to take effect from the 1st of April and section 72 of the Government of India Act says: "Members of Provincial Legislative Assemblies and Legislative Councils shall be entitled to receive such salaries and allowances as may from time to time be determined by Act of the Provincial Legislature, and until provision in that respect is so made, allowances at such rates and upon such conditions as were immediately before the commencement of this

Part of this Act applicable in the case of members of the Legislative Council of the Province." So long as this Assembly does not pass this Bill they will be entitled to allowances at such rates as were in force before. If this Act comes into force from the 1st April and if the allowances as proposed by the mover of the amendment, Mr. Hashim, are different from the allowances in force, will he be in order in moving the amendment?

Mr. SPEAKER: As a matter of fact whether a particular amendment is in order or not I am to see. If it is inconsistent with the provisions of the Government of India Act, I will certainly look into the matter. My personal impression was that this Act cannot have retrospective effect. But I have taken legal advice and the legal advice was that it can have and in that view I have to revise my opinion. I appeal to the House not to pursue a matter like this any more. No better issue could have been raised than what you have raised in the Minister's Salary Bill.

Two sets of amendments have been moved. One is an entire substitution changing the whole character and another is a modification. So, following the principle which I have been following, namely, that which is at the farthest distance should be put first, I am putting Mr. Abul Hashim's amendment as this is in the nature of substitution, and if this motion is carried all the amendments of Srijut Manindra Bhusan Sinha will not arise but if it is rejected then all the amendments of Srijut Manindra Bhusan Sinha will arise.

The amendment of Maulvi Abul Hashim was put and agreed to.

The motion that clause 4 as amended stands part of the Bill was put and agreed to.

Clause 5.

Srijut MANINDRA BHUSAN SINHA: I beg to move that in sub-clause (*1*) of clause 5, in line 3, after the words "of this Act," the words "and submit the said rules to the Bengal Legislative Assembly, as soon as made, for its approval" be added; and in sub-clause (*2*) of clause 5, after the words "may make rules," the words "and submit the said rules to the Bengal Legislative Assembly, as soon as made, for its approval" be inserted.

Maulvi ABUL HASHIM: I beg to move that in clause 5(*2*)(*a*), in line 2, after the words "daily allowance" the words "and conveyance allowance" be inserted.

Maulvi ABUL HASHIM: I beg to move that clause 5(*2*)(*c*) be omitted.

Mr. SPEAKER: There are two seats of amendments—one is that of Srijut Manindra Bhusan Sinha who wants in both these cases to submit the rules to the Legislative Assembly and the other moved by Mr. Abul Hashim who wants to add certain words. He wants to delete 5 (*2*) (*c*) as a necessary corollary of the amendment which has been accepted. So I have first formally to put 5 (*2*) (*c*) which follows as a matter of course owing to the acceptance of clause 4.

The motion was put and agreed to.

The amendment moved by Maulvi Abul Hashim that in clause 5(*2*)(*a*) in line 2, after the words "daily allowance" the words "and conveyance allowance" be inserted was put and agreed to.

The amendments moved by Srijut Manindra Bhusan Sinha were put and lost.

The motion that clause 5 as amended stands part of the Bill was put and agreed to.

The motion that the Preamble stands part of the Bill was put and agreed to.

The Hon'ble Mr. NALINI RANJAN SARKER: I beg to move that the Bill, as settled in Assembly, be passed.

The motion was put and agreed to

Adjournment.

The House was then adjourned till 4-45 p.m. on Monday, the 16th August, 1937, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 16th August, 1937, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, the eleven Hon'ble Ministers and 222 elected members.

STARRED QUESTIONS

(to which oral answers were given)

Contract between the Berhampore Municipality and the Berhampore Electric Supply Company.

*59. **Mr. SASANKA SEKHAR SANYAL:** (*a*) Is the Hon'ble Minister in charge of the Commerce Department aware—

(*i*) that in June, 1936, a draft of agreement embodying certain modifications in the contract between the Berhampore Municipality and the Berhampore Electric Supply Company, was sent for approval of Government as required by section 21 (2) of the Indian Electricity Act;

(*ii*) that several reminders have been sent by the Chairman, Berhampore Municipality;

(*iii*) that the draft deed of an agreement referred to in (*i*) was the basis of a settlement of conflict between the Berhampore Municipality and the Berhampore Electric Supply Company in the matter of extension of street lights; and

(*iv*) that there is a feeling in the town that this delay of more than one year in the matter of according its approval of the draft deed of agreement is likely to lead electric affairs of the town to another crisis, and deadlock between the said Municipality and the said Electric Company?,

(*b*) Is the Government considering the desirability of according the approval as contemplated by section 21 (2) of the Indian Electricity Act without further delay?

The Hon'ble Maulvi SYED NAUSHER ALI: May I be permitted to answer the question in the absence of my colleague, Mr. Suhrawardy?

Mr. SPEAKER: I should think that it would not be fair to the House for a Minister not to be present at the time of answering his question. I am quite willing, however, to permit you to answer it provided you are prepared to answer supplementary questions as well.

MINISTER in charge of COMMERCE and LABOUR DEPARTMENT (the Hon'ble Maulvi Syed Nausher Ali): (*a*)(*i*) Such a deed was sent. Section 21(*2*) of the Indian Electricity Act, however, does not require the approval of Government between a local authority and an electrical licensee in respect of the supply of electricity for Municipal street lamps.

(*ii*) Reminders have been received.

(*iii*) According to the Municipality the agreement was the basis of a settlement of disputes; according to the Berhampore Electric Supply Company the draft agreement was inaccurately drawn up, and did not wholly embody the terms of settlement.

(*iv*) I am not aware of the existence of any such feeling as alleged. Government, through its officers, tried to bring about a settlement between the parties, but unhappily without success.

(*b*) In view of the answer to question (*a*) (*c*), this question does not arise.

Supplementary questions.

Mr. SASANKA SEKHAR SANYAL: In view of answer (*a*) (*i*), was the opinion of a lawyer taken by Government on this matter?

The Hon'ble Maulvi SYED NAUSHER ALI: I require notice.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether the opinion of Government was communicated to the Berhampore Municipality?

The Hon'ble Maulvi SYED NAUSHER ALI: I want notice.

Dr. NALINAKSHA SANYAL: If the Hon'ble Minister who has assumed the role of the Hon'ble Minister who was to have replied to this question, cannot give suitable replies, may I submit that this question should be passed over for the present.

Mr. SPEAKER: I think I should pass the question over and wait for Mr. Suhrawardy to answer supplementary questions.

The following supplementary questions were put and answers made at a subsequent stage when the Hon'ble Mr. H. S. Suhrawardy attended the meeting.

Mr. SPEAKER: Mr. Suhrawardy; you should have been present at 4-45 p.m. to answer your question. Any member who desires to put supplementary questions to question No. 59, has my permission to do so now.

The Hon'ble Mr. H. S. SUHRAWARDY: I am sorry I could not be present.

Maulvi ABDUL BARI: Has Government sent any reply to the reminders that were sent by the Berhampore Municipality.

The Hon'ble Mr. H. S. SUHRAWARDY: I want notice.

Mr. SASANKA SEKHAR SANYAL: In view of answer (*a*) (*i*), was any lawyer consulted in this matter?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir. The Advocate-General was consulted.

Mr. SASANKA SEKHAR SANYAL: Was this opinion of the Advocate-General communicated to the Municipality?

The Hon'ble Mr. H. S. SUHRAWARDY: It must have been as thereafter attempts were made to bring about a compromise between the municipality and the Berhampore Electric Supply Company. The Electrical Advisor as well as the District Magistrate intervened in the matter.

Mr. SASAHKA SEKHAR SANYAL: I ask whether this opinion was really and actually communicated to the Municipal authorities?

The Hon'ble Mr. H. S. SUHRAWARDY: I cannot be more definite than what I have already stated.

Mr. SASANKA SEKHAR SANYAL: In view of answer (*iii*), was this view of the Government at all communicated to the Municipality?

The Hon'ble Mr. H. S. SUHRAWARDY: I have just replied that the Electrical Advisor as well as the District Magistrate attempted to intervene and bring about a settlement between the municipality and the Electric Supply Company but unhappily that settlement could not be brought about on account of differences between the parties.

Mr. SASANKA SEKHAR SANYAL: In view of answer (*iv*), what were the disputes for settlement?

The Hon'ble Mr. H. S. SUHRAWARDY: The disputes were of course set down in the letters received by the Berhampore Electric Supply Company.

Mr. SASANKA SEKHAR SANYAL: What was the nature of those disputes?

The Hon'ble Mr. H. S. SUHRAWARDY: I want notice. But I do not think that the House ought to know the nature of the disputes between private parties inasmuch as Government is not a party to them.

Mr. SASANKA SEKHAR SANYAL: Does the Government contemplate to revoke the existing license?

The Hon'ble Mr. H. S. SUHRAWARDY: That very much depends on the ability of the Berhampore Electric Supply Co. to fulfil its obligations.

Mr. SASANKA SEKHAR SANYAL: Is it in the contemplation of Government to cancel or revoke the license?

The Hon'ble Mr. H. S. SUHRAWARDY: I have nothing further to add to what I have already stated.

Bridge over the river Dwarka at Ranagram on the Kandi-Berhampore road.

***60. Mr. SASANKA SEKHAR SANYAL:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware that several years back a project was made for the construction of a bridge over the river Dwarka at Ranagram on the Kandi-Berhampore road, and that the project advanced so far as the preparation of plans, and the formal laying of foundation by the then Minister in charge of the Department, Sir Bijoy Prasad Singh Roy, in February, 1935?

(*b*) If so, will the Hon'ble Minister be pleased to state—

(*i*) what is the present position of the project; and

(*ii*) the reason for the delay?

MINISTER in charge of COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Kasimbazar): (*a*) Yes.

(*b*) It has been decided to increase the width of the bridge from 10 feet to 18 feet and the design is being modified accordingly.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that Government was approached as early as March, 1933, by the District Board of Murshidabad for the construction of this bridge?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: May be so, Sir.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that this item has not been included in this year's budget?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: It is so, but there would not be any difficulty about finding money for the project.

Mr. SASANKA SEKHAR SANYAL: May we have an idea of the approximate time by which the matter will be actually taken up?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: The re-designing is proceeding. It is very difficult for me to give an idea about the time, but I expect the bridge to be completed within two years.

Dr. NALINAKSHA SANYAL: Is it not a fact that the bridge received Government sanction long ago and that the Hon'ble Minister then in charge of the Department went over there and actually laid the foundation stone?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Yes, Sir.

Dr. NALINAKSHA SANYAL: Is it not a fact that in the budget of 1936-37 money was provided for the construction of this bridge and in view of that, should not this item have been in the list of works now begun and under construction?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I am not aware if any provision were made in last year's budget.

Jail visitors in Rangpur.

*81. **Babu KSHETRA NATH SINCHA:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to lay on the table a statement showing—

(*i*) names of the newly appointed jail visitors in the district of Rangpur; and

(*ii*) what consideration weighed in the matter of making these appointments?

(*b*) Is it a fact that some of them are connected with Government officials and some of them are Government officers?

(*c*) Who makes the selection?

(*d*) Will the Hon'ble Minister be pleased to state the reason why the members of the Legislative Assembly of the district have not been appointed as such?

(*e*) Are the Government considering the desirability of appointing the members of the Legislative Assembly as jail visitors in the future?

MINISTER in charge of HOME (JAILS) DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) A statement is laid on the table.

(*ii*) The attention of the hon'ble member is invited to rules 55 and 56 of the Bengal Jail Code, Volume I, a copy of which is in the Library.

(*b*) I have no information regarding the connection of any of them with Government officials. Under rule 55 of the Jail Code certain Government officers are *ex officio* jail visitors.

(*c*) The Commissioner of the Division.

(*d*) and (*e*) I presume that the Commissioner will in due course appoint members of the Legislature to be jail visitors in accordance with rule 56 (*1*) as amended by the substitution of the words "Bengal Legislature," for the words "Bengal Legislative Council."

Statement referred to in the answer to clause (a) (i) of starred question No. 61, showing the names of jail visitors in the district of Rangpur.

District Jail.		Names of visitors.
Rangpur	...	1. Rai Sarat Chandra Chatterjee Bahadur.
		2. Babu Jogesh Chandra Sarkar.
		3. Dr. Kedar Nath Bhattacharya.
		4. Mrs. Smith (Lady Visitor).
Sub-jails.		
1. Gaibandha	...	1. Maulvi A. R. M. A. Wahad.
		2. Babu Debendra Nath Roy.
2. Nilphamari	...	1. Babu Haranath Biswas.
		2. Maulvi Fazlul Karim Choudhury.
3. Kurigram	...	1. Rai Sahib Jogesh Chandra Roy.
		2. Babu Rajendra Ram Bakshi.

Babu NAGENDRA NATH SEN: With reference to answer (*d*) and (*e*), what does the Hon'ble Minister mean by "will in due course"? Is he not aware that elections were complete as early as February last and that this the month of August?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already stated that Government have changed their language from "Bengal Legislative Council" to "Bengal Legislature" and now Members of the Legislature are being appointed. Government have drawn the attention of the Commissioner of the Division to the change made and hope that they will naturally make nominations accordingly.

Babu NAGENDRA NATH SEN: What prevented the Divisional Commissioner from making these appointments so long?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have said the old rule contained the words "Bengal Legislative Council" and now it is "Bengal Legislature".

Mr. JOGESH CHANDRA GUPTA: When was this change made?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. JOGESH CHANDRA GUPTA: How long will the Hon'ble Minister take to make up his mind to appoint Members of the Legislature as Jail Visitors?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is for the Commissioners of Divisions to make nominations and Government have nothing to do in the matter. We have already written to the Commissioners saying that they should nominate members of the Legislature.

Mr. SHAH ABDUR RAUF: When were the Commissioners written to about this matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: On the 16th of June last.

Babu NAGENDRA NATH SEN: What is the name of the Commissioner of the Presidency Division?

Mr. SPEAKER: Order, order. That can be found out from the current Civil List.

Mr. DHIRENDRA NATH DUTTA: How many Members of the Legislature will be appointed in each district?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the Member to the Jail Code, Volume I.

Appointment of scheduled castes in the office of the District Judge of Jessore.

***62. Mr. RASIK LAL BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to lay a statement on the table showing since the 1st January, 1934:—

(*i*) the number of appointments made by the District Judge of Jessore—

(1) to clerical posts, and

(2) to posts other than clerical;

(*ii*) the number of members of the scheduled castes appointed with their—

(1) names, and

(2) grades of pay; and

(*iii*) the number of members of the scheduled castes in—

(1) the Upper Division, and

(2) in the Lower Division?

(*b*) Have the directions contained in the Circular letter Nos. 8317-8342 J., dated the 8th November, 1935, of the Secretary, Judicial Department, to the District Judge of Jessore been followed so far it relates to the members of scheduled castes? If not, why not?

MINISTER in charge of JUDICIAL and LEGISLATIVE DEPARTMENTS (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*)(*i*)(1) To clerical posts—32; and (2) to posts other than clerical—51.

(*ii*) (1) In the clerical posts—4, viz.,—

Babu Santosh Kumar Mandal,

Babu Ramdayal Das,

Babu Keshablal Sikdar, and

Babu Birendra Kumar Mandal

(All in the grade of Rs. 35—35—40—4/2—68—3/2—80.)

(2) In posts other than clerical—3, viz.,—

Rasik Lal Biswas, permanent office peon,

Bhuban Mohan Biswas temporary probationer process-server, and

Kanai Lal Munshi, temporary office peon.

(All in the grade of Rs. 13—1/5—17.)

(*iii*) (1) Nil.

(2) 7 (4 appointed since January, 1934).

(*b*) The letter referred to did not contain directions, it asked for some statements and suggestions. The percentage for filling up the total number of vacancies in ministerial appointments from members of this community was laid down later in Government of Bengal Memorandum No. 9898 A., dated the 21st September, 1936, a copy of which is laid on the Library table. Attempts are being made, as vacancies occur, to bring the percentage employed in the district of Jessore up to the required standard.

Mr. RASIK LAL BISWAS: With reference to the last part of the answer, may I know what is the required standard?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: That varies with different appointments.

Mr. RASIK LAL BISWAS: With reference to the last answer, do the Government think it desirable to bring the percentage of scheduled castes employed in districts other than Jessore to the required standard?

Mr. SPEAKER: Order, order. That question does not arise. You have put a question about certain appointments in the district of Jessore, and I do not think it is fair that you should ask a question raising a general issue. You can ask any question within the issue that has been raised.

Maulvi ABDUL LATIF BISWAS: How many of the 32 clerks are Muslims?

Mr. SPEAKER: Order, order. I have already ruled in connection with a question which is of a severely restricted nature that no other issue should be permitted to be raised, because once it is done, it will be very difficult to keep control over such supplementary questions.

Mr. RASIK LAL BISWAS: The Hon'ble Minister has said that attempts are being made to bring the percentage to the required standard; I ask, would the Government be able to come to a final decision within the calendar year?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: It depends upon how many vacancies occur during the period.

Mr. RASIK LAL BISWAS: Does the Government expect to come to a decision within the calendar year as to the percentage of scheduled castes employed in the district of Jessore?

Mr. SPEAKER: Mr. Biswas: I am afraid your question fixing the percentage does not arise because the answer says that the percentage for filling up the total number of vacancies in ministerial appointments from members of this community was laid down in Memorandum No. 9898A of 21st September, 1936.

Mr. RASIK LAL BISWAS: As regards the Memorandum, the answer says that a copy has been placed on the Library table——.

Mr. SPEAKER: Order, order. You will find it on the table.

Petty cases in the Presidency Police Courts, Calcutta.

*63. **Mr. AFTAB ALI:** Will the Hon'ble Minister in charge of the Judicial Department be pleased to state the average number of petty cases daily disposed of in the Presidency Police Courts of Calcutta?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: 316 in June, 1937.

Maulvi ABDUL BARI: May I know who disposed of these 316 cases in a day?

(No reply.)

Mr. SYED JALALUDDIN HASHEMY: May I know whether 316 cases are disposed of daily or in a month?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Daily, Sir.

Adjournment motion.

Mr. BARADA PROSANNA PAIN: I have given notice of a motion for discussing a definite matter of urgent public importance.

Mr. SPEAKER: I have been flooded with so many adjournment motions that I do not know to which I have given my consent.

Dr. J. M. DAS GUPTA: I have also tabled a similar motion.

Mr. SPEAKER: Have you got anything to say, Sir, Nazimuddin, about the adjournment motion which is proposed to be moved?

The Hon'ble Khwaja Sir NAZIMUDDIN: As a general principle so far as an adjournment motion is concerned, the question is urgent and important only if it is a continuing one. So far as the present case is concerned this incident is now over and the House can have opportunities of discussing this later on, especially in view of the proximity of a discussion on the appropriate grant in the Budget. Then it cannot be said that it is of urgent public importance, because the incident is past and has no force at all. The other point is that this question is *sub judice* as well.

Mr. SPEAKER: Are there any cases pending in law courts?

Mr. SANTOSH KUMAR BASU: Even if the case is *sub judice* that did not prevent the Press Officer from issuing a Press note.

Mr. SPEAKER: I want to know definitely whether this case is not of a continuing character and that, therefore, the motion is not in order.

Dr. J. M. DAS GUPTA: I submit that the effect of this particular Police order which resulted in that incident is a continuing one and that there is always the danger of a recurrence of such happenings. It is the duty of this House to give its opinion on an important issue like this.

Rai HARENDRA NATH CHAUDHURI: On a point of order. The rule says that it must be a matter of recent occurrence. It does not say that it must be of a continuing character. So far as the practice of the House is concerned, many adjournment motions were brought in the past which arose out of incidents which had definitely expired and had no continuing effect at all.

Mr. SARAT CHANDRA BOSE: The notification has a continuing effect because it says that until this order is withdrawn, etc., etc.

Mr. BARADA PROSANNA PAIN: Rule 105, which restricts the right to move an adjournment motion says, that the motion must be restricted to a specific matter of recent occurrence. That does not mean that it must be a continuing one. That means that the occurrence has recently taken place.

Dr. NALINAKSHA SANYAL: May I draw your attention to page 247 of May's Parliamentary Practice, 13th Edition? With reference to a reply given by the Hon'ble Minister for Home Affairs, restrictions on motions for adjournment have been definitely and specifically laid down in May's Parliamentary Practice which is as follows:—

"That it must raise a single specific matter of recent occurrence and as the matter to be discussed must be of an urgent nature, no notice

should be given of an intention to resort to the motion on a future occasion and if the matter fails to obtain the requisite support it cannot during the same session be taken up again nor can more than one motion for adjournment under the Standing Order be made during the same sitting of the House. The responsibility of bringing forward a subject as a definite matter of urgent public importance rests with the member who desires to exercise the right given by the Standing Order, and there must be a *prima facie* case of urgency—a *prima facie* case that is all the restriction that has been placed in the Parliamentary Practice obtaining in Great Britain and not as the Home Minister says, that in Great Britain unless a matter is of continuing urgency it cannot be taken up. I submit that this is as you have yourself laid down a few days ago in a ruling that an adjournment motion is of the nature of examining an executive action of Government and if necessary to pass a censure on the same specific action of Government and when a matter of that nature comes up it must be a matter which has actually happened and is past—a matter which is being brought before the House is a question of confidence in the Ministry.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of personal explanation, Sir. I raised the point that the matter should be urgent and that it should have a continuing effect As the incident is over, I submit that the matter is not urgent, because a censure can be given later on. It makes no difference whether it is taken up this day or a week hence or even later on.

Mr. SPEAKER: I have heard with all attention both the Hon'ble Khwaja Sir Nazimuddin as well as the other Speakers on my left as regards the point as to whether the motion is in order or not. The Hon'ble Khwaja Sir Nazimuddin raises the contention that the motion is not of urgent public importance on the ground that it has been actually an accomplished fact already—an event which is gone by and is not going to recur. His second contention is that this question can very well be discussed during the Budget grants. Both are important points to be considered but I think in view of his latter statement he does not contend that in so far as the incidents are concerned they must be continuing incidents. Anyway, sub-section (2) of section 105 says, that an adjournment motion must be a motion restricted to a specific matter of recent occurrence. The interpretation of the word "occurrence" can only be made on the assumption that it is a past incident, and as such, I do not think that his contention is valid on that score. He has also submitted that this is not a matter of urgent importance on the ground that it is not continuing. I am afraid that also is a contention which cannot be accepted in the specific case. There may be circumstances in a particular case where it would be desirable to hold that a matter is not of urgent public importance, on the ground

that the incident is past and gone, but the motion as it has been drafted raised *prima facie* a question of urgent public importance and as far as I have seen the decisions on this point the Speaker cannot go beyond the purport of the resolution itself and the Speaker has to be satisfied as to whether on the paper before him any urgent public question has been raised or not. In view of that I hold that this is a matter which refers to a specific matter of recent occurrence. The only contention is whether this is a matter which can be discussed during Budget grant. Unfortunately there is no assurance that this can at all be taken up during Budget grant, because the priority will depend on ballot and there have been decisions both in the Central Legislature as well as in Parliament, that even though a matter could be discussed during Budget grant, the fact that it is not probable will determine whether it can be discussed or not. In view of that and in view of the fact that the mover has *prima facie* made up his point that this is a matter of urgent public importance, it is not for the Speaker to rule it out on the ground of being not urgent public importance. I hold that this is in order and I will now have to ask the leave of the House. Those gentlemen who are in favour of leave being granted will kindly rise in their seats.

(The members rose and the count was taken.)

I find more than 50 has stood and in view of that I propose to take the matter up punctually at 6 o'clock.

(A member to the left enquired in Bengali as to the fate of his motion.)

Mr. SPEAKER: So far as your adjournment motion is concerned, it has been ruled out on the ground that there is already one adjournment motion fixed for to-day and there is another reason why I have ruled it out, namely, your occurrence relates to an incident which took place on 17th July last. I do not think that a matter, which occurred on the 17th July, can be considered as of urgent public importance to be discussed to-day. Unless you follow in conformity with the rules and unless you get the Speaker's consent, you cannot discuss a matter. And I have not given my consent. I might inform the House that there are several adjournment motions relating to this matter which have been ruled out.

GOVERNMENT BILL.

The Bengal Legislature (Removal of Disqualifications) Bill, 1937.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to introduce a Bill to declare that the holders of certain offices of profit under the Crown in India shall not be disqualified for membership of the Bengal Legislature.

I also beg to move that the said Bill be taken into consideration.

Sir, it is a very simple Bill just to take powers to enable the members of this House to hold certain specified offices such as Parliamentary Secretaries and Under-Secretaries. It is also to enable certain persons who are employees of State Railways who would ordinarily be eligible for membership but owing to the Act they cannot be unless the disqualification is specially removed. The third class of people are those who are in receipt of fees or salaries from Government such as Government Pleaders and other classes.

These are the three classes of people. The Bill only enables members to continue as members of this House in spite of the fact that they are in receipt of salaries from Government.

Mr. SYED JALALUDDIN HASHEMY: Mr, Speaker, Sir, I have not got consent of all the members and I am awaiting your decision.

Mr. SPEAKER: My decision is quite definite, specific and clear, that is, you cannot move the names for which you have not received consent.

Mr. SYED JALALUDDIN HASHEMY: May I be permitted to read over the names?

Mr. SPEAKER: You can do so of those persons whose consent you have received.

Mr. SYED JALALUDDIN HASHEMY: Sir, I beg to move that the Bill be referred to a Select Committee consisting of—

Mr. Kiran Sankar Roy,

Dr. Nalinaksha Sanyal,

Khan Bahadur Hashem Ali Khan,

Maulvi Abu Hossain Sarkar, and myself.

Mr. SPEAKER: The name of Maulvi Abu Hossain Sarkar is not there. I am sorry I must rule this motion out because you did not give to the Secretary any consent of these members. I am quite prepared to take even now if you are willing to give it now.

Mr. SYED JALALUDDIN HASHEMY: I cannot give you, Sir.

Mr. SPEAKER: Mr. Hashemy, you should not have wasted the time of the House in this way.

The motion that clause 1 stands part of the Bill was put and agreed to.

Maulvi ABDUL HAKIM: Sir, I beg to move that in sub-clause (*a*) of clause 2, in lines 1 and 2, the words "or a Parliamentary Under-Secretary" be omitted.

(The member spoke in Bengali in support of his motion.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, by having a provision in the Bill that Parliamentary Secretaries and Parliamentary Under-Secretaries may be appointed does not mean that Government will necessarily appoint Parliamentary Secretaries and Under-Secretaries. It only enables them to do so if they find it necessary. Sir, the members can have no idea of the difficulties we are having here in carrying without any assistance. May I cite one example which has happened just now? Because the Hon'ble Mr. Suhrawardy arrived a few minutes late there was difficulty in answering a question. Supposing he had a Parliamentary Secretary here the latter could have answered for him and there would have been no reason for inconvenience to members in receiving a reply. May I again point out, Sir, that owing to the fact that we have the Upper House and the Lower House the Ministers at the present time have got to attend both these Houses. We have started from 2-15 to-day and without practically any interruption we will have to go on till 10-30 with hardly any time either for tea or for dinner—Sir, that is the point of view I would ask the House to consider. After all if Government were to appoint Parliamentary Secretaries and Under-Secretaries in such numbers or on such salaries that the House did not approve of, it would be a matter on which Government could be censured. This Bill only enables the Government, if they feel it necessary and if they can justify before the legislature the necessity for appointing Parliamentary Secretaries and Under-Secretaries, and then and then only this question will arise. This is all that this Bill requires. Of course, so much has been said about what takes place in England, but it is to be noted that apart from the Parliamentary Secretaries and Under-Secretaries, they also have Honorary Secretaries or unpaid Parliamentary Secretaries. So in this case this Bill only gives the Government the right to be able to appoint Parliamentary Under-Secretaries and I hope the House will support this Bill.

Mr. SPEAKER: I propose, if possible, to dispose of this Bill before 6 o'clock.

The motion of Maulvi Abdul Hakim that in sub-clause (*b*) of clause 2 in lines 1 and 2, the words "or a Parliamentary Under-Secretary" be omitted, was put.

After Mr. Speaker declared the motion to be lost, Maulvi Abdul Hakim stood up and said that he claimed a Division.

Mr. SPEAKER: Generally I expect the member in whose name the motion stands to rise up and shout "Division." Certainly the House do not expect me to look on all sides to see who stands up.

Dr. NALINAKSHA SANYAL: May I have your permission, Sir, to move the next amendment on behalf of Mr. Surendra Mohon Moitra who has authorised me to do so?

Mr. SPEAKER: As there are other speakers, you might formally move it.

Maulvi Abdul Hakim and Mr. Abdul Karim did not move the amendment.

Dr. NALINAKSHA SANYAL: Sir, I shall be as brief as possible. I beg to move that sub-clause (*b*) of clause 2 be omitted.

Sir, my reasons are very simple. I find here that people, who are not whole-time officers but who at the same time receive some amount of fee or salary, might be permitted to be members of the legislature. I think this is very wrong in principle. We know by experience that Public Prosecutors in various districts, although they are not whole-time Government servants, come under this category and have very often gone very much beyond reasonable limits in helping the cause of certain candidates and offering themselves for candidature in various local bodies and even in the legislature. I also feel that if there be patronages for such of them as will be in this House and there be also remuneration for them from different directions, then Government would have ample opportunity of winning over certain members to their side. In view of these dangers I beg to move that this sub-clause be omitted.

Mr. P. BANERJI: Sir, I beg to move that in sub-clause (*b*) of clause 2, in line 1, after the words "an office" the words "other than that of Government Pleaders and Public Prosecutors" be inserted.

Sir, I have exactly the same reasons in support of my motion. It has been found from experience that Government Pleaders and Public Prosecutors often stand in different constituencies as candidates and as a result they always get the support of all Government officials, although Government officials are not allowed to take part in these matters. I find also that an exemption was made in the case of the President of the Improvement Trust, although he is a whole-time officer drawing a fat salary. I have not brought him in, because I want to exclude Government Pleaders and Public Prosecutors now. I do not want to take up any more of your time, Sir, but I think that Dr. Sanyal has very rightly pointed out that in matters like this these persons should not be allowed to stand.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it will be a great mistake to accept this amendment as it will debar persons like Government Pleaders and Public Prosecutors who hold a certain amount of influential position in the districts with local knowledge and experience.

These are the type of men you want in the legislature. If they can afford the time and sacrifice on their part, I do not think it advisable that they should be debarred. Therefore I think the amendments that have been moved not be accepted. Besides, if I may point out, this Bill enables also Indian Territorial Officers or officers in the India Army and Reserve of Officers to be qualified for election and if this amendment be accepted, they will also be debarred from becoming members of the Legislative Assembly. Therefore, I submit that the House will reject all the amendments that have been moved.

The motion of Mr. P. Banerji was put and a division claimed.

Mr. SPEAKER: Would it not be better to have a division on the deletion clause? It is much better to leave this motion and to have a Division on the other, but it is entirely a matter for you to decide.

Mr. SARAT CHANDRA BOSE: Sir, we have already claimed a division over Mr. Banerji's motion.

On the motion being put it was declared to be lost.

Mr. SPEAKER: Order, order. I might just inform the House that if the House accepts the amendment of Mr. P. Banerji, then by implication they decide on the retention of the clause, because you cannot incorporate something into a particular sub-clause without deciding that that sub-clause should be retained. So, I might tell the House definitely that, so far Dr. Sanyal's motion is concerned, if Mr. P. Banerji's amendment is carried, amendment No. 5 will not arise.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. You had previously given the ruling——

Mr. SPEAKER: Order, order. I wanted to know whether if I put amendment No. 5 to division—personally I did not expect a division on this motion, but on the other motion—then I would have to put amendment No. 8 of Mr. P. Banerji to vote first.

Dr. NALINAKSHA SANYAL: I can assure you, Sir, that I shall not call a division on my amendment.

Mr. SPEAKER: In that case, I shall put amendment No. 5 first, viz., that sub-clause (*b*) of clause 2 be omitted.

The motion was put and lost.

Then Mr. P. Banerji's motion, that in sub-clause (*b*) of clause 2, in line 1, after the words "an office" the words "other than that of Government Pleaders and Public Prosecutors" be inserted, was put and a division taken with the following result:—

AYES.

Abdul Hakim, Maulvi.
Abdul Majid, Maulvi.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazal, Mr. Md.
Banerjee, Mr. P.
Banerjee, Mr. Promathe Nath.
Banerji, Mr. Satya Priya.
Basnerjee, Mr. Manaranjan.
Basu, Mr. Santosh Kumar.
Chaumik, Dr. Gobinda Chandra.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakraharty, Babu Narendra Narayan.
Chakraharty, Mr. Jatindra Nath.
Chattapadhyay, Babu Haripada.
Chaudhuri, Rai Narendra Nath.
Chippendale, Mr. J. W.
Das Babu Mahim Chandra.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Mr. Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhary, Mr. Syed.
Himatsingka, Mr. Prabhudayal.
Jalaluddin Hashemy, Mr. Syed.
Joseh Ali Majumdar, Maulvi.
KaMruddin Khan, Khan Sahib.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Niharaja Behari.
Majumdar, Mrs. Hemaprava.
Mazumdar, Mr. Birendra Nath.
Mal, Mr. Iswar Chandra.
Mesiruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Meherji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Pain, Mr. Baraja Prasanna.
Ramizuddin Ahmed, Mr.
Ray, Kumar Shib Shekhareswar.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Ray, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Maniendra Bhasan.
Sur, Mr. Harendra Kumar.
Zaman, Mr. A. M. A.

NOES.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Karim Mia, Mr.
Abdul Hakeem, Mr.
Abdul Hakim Vikrampuri, Mr. Md.
Abdul Hamid, Mr. A. M.
Abdul Kader, Mr.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur, A. F. M.
Abdur Rauchid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdul Rauf, Mr. Shah.
Abdus Saheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur.
Abul Hashim, Maulvi.
Abul Hasaie, Mr. Ahmed.
Abul Quasem, Maulvi.
Aftab Hosain Jeardar, Maulvi.
Ahmed Ali, Khan Sahib Maulana Easayetpuri.
Ahmed Ali Mridha, Maulvi.
Ahmad Hasaie, Mr.
Afzaluddin Ahmed Khan Bahadur.
Amiullah, Maulvi.
Amir Ali, Md. Mia.
Armstrong, Mr. W. L.
Ashrafali, Mr. M.
Asimuddin Ahmed, Mr.
Asiad Hassain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Barma, Babu Promhari.
Barma, Mr. Puspajit.
Barman, Babu Upendra Nath.
Basu, Babu Jatindra Nath.
Biswas, Babu Lakshmi Narayan.
Campbell, Sir George, Kt.

Clark, Mr. I. A.
Cooper, Mr. C. G.
Cromfield, Mr. L. M.
Das, Anukul Chandra.
Das, Mr. Kirit Bhusan.
Das, Mr. Monmohan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhut Bano Khanum, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman Muktear, Mr.
Giasuddin Ahmed Chowdhury, Mr.
Golam Sarwar Hosaini, Mr. Shah Syed.
Griffiths, Mr. C.
Gurung, Mr. Damber Singh.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiuddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hasham Ali Khan, Khan Bahadur.
Hasina Marshed, Mrs.
Hatemally Jamadar, Khan Sahib.
Haywood, Mr. Rogers.
Hendry, Mr. David.
Ispahani, Mr. M. A. H.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Sahib.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
MacLauchlan, Mr. C. S.
Mafizuddin Chaudhary, Maulvi.
Maguire, Mr. L. T.
Mahtab, Maharajkumar, Uday Chand.
Mahtabuddin Ahmed, Khan Bahadur.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Banka Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. dagat Chandra.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Miles, Mr. C. W.
Millar, Mr. G.
Milne-Robertson, Mr. C.E.L.
Mohsin Ali, Mr. Md.
Morgan, Mr. G.
Moslem Ali Mallah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammed Ali, Khan Bahadur.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Dr. Syed.
Muhammad Solaiman, Mr.
Mallick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagaswal Haque, Mr. Syed.
Mustafa Ali Dewan Sahib, Mr.
Nandy, the Hon'ble Maharaja Sris Chandra, of Kasimbazar.
Nasarullah, Nawabzada K.
Nausher Ali, the Hon'ble Maulvi Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Nimmu, Mr. T. B.
Patton, Mr. W. C.
Rahman, Khan Bahadur A. M. L.
Raikat, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Ray Chaudhury, Mr. Birendra Kishore.
Razaur Rahman Khan, Mr.
Roy, Babu Patiram.
Roy, the Hon'ble Sir Bijay Prasad Singh, Kt.
Roy, Mr. Dhananjay.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sarkar, the Hon'ble Mr. Nalini Ranjan.
Sassoon, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shahedali, Mr.
Shamsuddin Ahmed Khandkar, Mr.
Singha, Babu Kshetra Nath.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, Maulvi.
Thakur, Mr. Pramatha Ranjan.
Totel Ahmed Chaudhury, Maulvi Haji.
Wallur Rahman, Maulvi.
West, Mrs. Ellen.
Wordsworth, Mr. W. C.
Yousuf Mirza.
Yusuf Ali Chaudhary, Mr.
Zahur Ahmed Chaudhury, Mr.

The Ayes being 64 and the Noes 137, the motion was lost.

Clause 2.

The motion that clause 2 stands part of the Bill was put and agreed to.

Preamble.

The motion that the Preamble stands part of the Bill was put and agreed to.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the Bill as settled in Assembly be passed.

The motion was put and agreed to.

Mr. SPEAKER: We shall now take up the adjournment motion.

Adjournment Motion.

Dr. J. M. DAS GUPTA: Mr. Speaker, Sir, I beg to move that the business of the House be adjourned in order to consider a matter of urgent public importance, viz., the situation that has been created by indiscriminate *lathi* charge by the Calcutta Police on peaceful and unresisting processionists in Calcutta on the evening of the 14th of August, 1937, resulting in injuries of various degrees of severity to a large number of the processionists, both ladies and gentlemen.

Mr. Speaker, Sir, though a very attentive listener to the debates up till now, I have refrained from taking any part in them. My reason is the trend—the deplorable trend—that discussions have been taking of late by which every question of public importance or interest is supposed to be dictated by communal objects or an intention to attack the Ministry. In my opinion, this was not a suitable atmosphere to deliberate on public matters of importance. More deplorable to my mind was, what I found to be the habit here of making up for want of information regarding any particular question by force of elocution and by the violence of the adjectives used. I submit that this practice, to say the least of it, is extremely deplorable and is not calculated to produce that poise which is absolutely essential for the proper function of a deliberative body like this Assembly.

Sir, the reason why I have come forward to move this motion is that I do believe that it is a matter of first-rate importance involving the rights of every citizen of Calcutta and its suburbs.

In dealing with it, I first refer to the incident itself, which I had ample opportunities of observing as an eye-witness. Then I will dwell upon its two *sequelæ*, viz., the subsequent meeting in the Town Hall in which the Hon'ble the Chief Minister and his colleagues received a special welcome from certain sections of the citizens of Calcutta and also a press communique issued by Government this morning.

Sir, it is in my opinion wholly unnecessary to refer to the deep feeling that has been produced in this country on account of the hunger-strike by a large number of political prisoners both in the Andamans and in India and public expression in demonstration are as unavoidable as they are necessary, particularly in a democratic country it is one of the most important methods of drawing attention to any grievances of the public.

When this fundamental right is sought to be absolutely suppressed without any expressed or generally acceptable reasons there is bound to be some amount of heat and resentment in the mind of the public.

Sir, so far as the Saturday's incident is concerned, it was advertised that a meeting of citizens of Calcutta should take place in the Town Hall and I was requested to attend and address. As I arrived there I saw my watch: it was exactly 5-20. I was told that the processionists were not able to come to Town Hall: the processionists consisted of a large number of ladies and girls and they were squatting at the junction of Strand Road and Esplanade West. Myself and my friend Mr. Kamal Krisna Roy in the absence of any other accredited leader, ran to that place and saw a big police force there and a large number of responsible police officers—two Deputy Commissioners and a fair number of Assistant Commissioners and other important officers—and also the processionists squatting, in the centre there were the ladies and surrounding them the boys. I first approached the Deputy Commissioner whom I knew (it is unnecessary to mention names) who is one of the most influential members of the Calcutta Police and enquired of him regarding the cause of this trouble. The gist of what he said is this: that the Commissioner's order was very definite that no procession should be permitted within the prohibited area and naturally he wanted these processionists to disperse. I enquired what did he mean by processionists. Supposing 10 or 5 people went: he replied even that number will not be allowed because that would mean a procession if they carried flags. Then I asked if one or two proceeded carrying flags, would that be a procession and would he stop it. He replied that his orders were definite. Nobody should be allowed to go with flags: but if they downed the national flags they could go.

Sir, it is known that a serious attempt is being made by the Viceroy to introduce a new era of co-operation with the Congress and we expect that the national flag would be flying over Government buildings before long. I received the extraordinary reply that it might happen in other provinces but never in Bengal. I replied that Bengal was not outside India.

Then I went over to the processionists and acquainted them with the definite instructions of the working committee that there should be absolutely no civil disobedience under any circumstances.

I asked the police officers whether they would allow these processionists to proceed to the Town Hall with flags even in single files. The reply I received was that they would not be allowed to carry their flags either towards the Town Hall or towards the town. I might mention that the prohibited area is bounded by the Strand Road and the Auckland Road, so Strand Road itself was not a prohibited area and when they were arrested they were not in a prohibited area at all. That being so, as I said, I reached there at about 5-25 and the police charge took place at

5-35. Within that short time I had no further opportunity of a discussion and just at the time when the Mounted Police and the prison van arrived there was an order for *lathi* charge. I might mention that when the prison van arrived an ultimatum of five minutes to disperse was given to the processionists. In the Communique there is also mention of a charge by the processionists. I solemnly inform the House that so long as I was there, there was absolutely no charge by the processionists. It might have taken place before my arrival. I arrived there 10 or 15 minutes before the charge was made by the police. Then the order for charge was given girls were arrested and put inside the prison van. There was a regular charge. It is claimed that the *lathis* were held horizontally and the processionists were pushed. It is a hopelessly incorrect statement because I saw these *lathis* in all directions of the sky. In fact the *lathis* were used indiscriminately. That was the state of affairs, and when I was being taken to the Lal Bazar thana I had an opportunity of seeing the occurrence for a short time. The whole place was absolutely littered with shoes and things like that because the charge was made with so much violence that the people had no time to put on their shoes and the precipated manner in which they fled was further proved by a large number of shoes and other things that were found strewn over the place. I found people flying in all sorts of direction.

Now, Sir, this sentiment in the country is very natural—the sentiment and apprehension for the life of so many of Bengal's boys doing hunger-strike in the prisons in the Andamans and the expression of public opinion is simply unavoidable. I submit, Sir, that any attempt to gag them without justification cannot but be resented by the general public.

I know only a few days ago Sir Nazimuddin expressed his apprehension that there might be recrudescence of violence if the political prisoners were released. I wonder if Sir Nazimuddin thinks that violence will disappear from the world. Was not that prince of peace Jesus Christ himself subjected to inhuman violence? Does not Sir Nazimuddin think that it is a gross piece of violence—uncultured peace, a shameless piece of violence, by the police on unresisting and peaceful public on Saturday evening.

Now, Sir, it is a known fact that violence is contagious, violence always produces responsive violence. What I specially draw the attention of the House to is that unless this sort of executive violence is controlled it cannot but keep up the spirit of responsive violence in the minds of the public and I again submit that this was so very unnecessary.

I know, Sir, that Sir Nazimuddin has been so long administering according to the dictates of the past bureaucracy. It must be very difficult for him to see things in any other light. But I fail to understand how is it that the Hon'ble Chief Minister is unable to appreciate the deep

feeling in the country in regard to this happening. Even yesterday it was sought to be proved that the demonstration was artificial and the Congress party was manipulating it simply as an attack on the Ministry (interruption). I know circumstances always make strange bed-fellows: as my honourable friend knows, when he was elected Deputy Mayor of the Calcutta Corporation he was first selected by the Congress and his present friends and his communal friends supported him afterwards. Why did we select him—because of his political experience.

(The member having reached the time-limit resumed his seat.)

Maulvi ABDUL BARI: I oppose this motion for adjournment. But I want this House not to misunderstand me. I want to tell this House that I am in sympathy with those people who are the sufferers at the incident of Saturday. But I oppose this motion as a matter of principle and I oppose this motion on a matter of fact and on the merit of the case as well. I oppose it as a matter of principle because we find that this House is flooded with adjournment motions day after day—day in and day out—making it impossible for the legislators of this province to do any useful work within this Legislature. I have found, Sir, that in the course of a few days there have been as many as four or five adjournment motions. Now, the charge has been levelled against the Hon'ble Ministers that they are not going to do any useful work in the country: they are not going to place their course of action before the country: they are not prepared to take up any programme of work for the uplift of the country. But is it possible for the Hon'ble Ministers—for any man who has got any sense of responsibility—to do any useful work if they are obstructed in every possible way? Sir, we find that whenever these questions of adjournment come the Ministers have got to study the conditions, they have got to prepare their notes and they find themselves absolutely out of their atmosphere and they cannot attend to other work at all. That is the principle on which I oppose this adjournment motion. Moreover, Sir, I oppose this adjournment motion on another ground and that is that those who are moving these adjournment motions are only wasting a great part of public money. For example, if you are going to move an adjournment motion to-day perhaps you will take about two hours' time for discussing this matter and by killing these two hours you are wasting Rs. 2,500 of the country which might have been spent for improvement of Primary Education and of other works. I oppose this motion not only on a matter of principle but also on merit. I would at once ask this House not to judge this case on first impression. Sir, I will tell you what was my first impression about the incident. When I read it in the "Ananda Bazar Patrika" at Berhampore yesterday at 4 p.m. when I was engaged in an enquiry commission with a Pleader Commissioner, the first thing which drew my attention was the headline of dastardly attack and the outrage made by the police on the innocent

processionists who were advancing with the procession towards the Town Hall in order to raise a protest against the treatment meted out to the hunger-strikers in the Andamans. My first impression was that the action of the police was really a very deplorable one and a condemnable one and as a matter of fact that would have been the impression of any one who was not acquainted with full facts. But after reading the Press Officer's note and after reading the editorial of the "Azad" and also the "Star of India" and also statements published in other papers, the statement of the "Ananda Bazar Patrika" cannot be accepted as the whole truth of the incident that took place on Saturday. (Interruption from Congress Benches: Because you are under the clutches of the Ministery.) If I come under the clutches of the Ministry I will say that you come under the clutches of the leader without understanding what you are going to do. It is a matter of party discipline that everyone must follow his party leader so long as he remains a member of the party. It is no good saying that this side of the House is under the clutches of the Ministers because you are under the clutches of Mahatma Gandhi, Pandit Jawaharlal Nehru or Mr. Sarat Chandra Bose to come nearer home. Therefore, Sir, that sort of interruptions or interjections will not help you in the least of meeting the argument of the other side. (Dr. NALINAKSHA SANYAL: It will help you to get a Parliamentary Secretaryship.)

Mr. SPEAKER: Order, order. Mr. Sanyal, I have allowed these cross discussions to a limit but I find that a motive is attributed and I seriously take exception to it. You can certainly carry a debate to a high pitch without attributing any motive and I hope that in respect of the interruptions which are going on the last thing which a member should do is to attribute a motive to it.

Maulvi ABDUL BARI: I may not reply to my friend Dr. Nalinaksha Sanyal but I say this much that my friend is also after a Ministry after breaking the present Ministry which is an impossibility.

Now Sir, through you I tell this House that this sort of adjournment motions will not advance the cause of the country in the least. Now, what was the intention of this procession? You know very well that on the question of the hunger-strike of the Andamans prisoners a meeting was held on the 9th August in the Town Hall itself and therein also Mr. Sarat Chandra Bose was presiding. Now, the meeting perhaps was not full and complete and was not so popularly represented, and therefore to have a meeting again he sent out an appeal through the newspapers asking the students to muster strong. Thereby Mr. Sarat Chandra Bose was trying to play in the hands of the students who are unsophisticated youths and are inflammable and was thereby trying to incite this quarrel with the police and to incite the Government also to take action against them. I will just now read out to you the appeal of Mr. Sarat Bose to this effect whereupon he did not call upon the

Advocates, he did not call upon Counsel, he did not call upon the merchants, but he called upon the student community to muster strong in thousands to go in procession to the Town Hall to protest against Government action towards the Andamans prisoners. There is also a statement of Dr. J. M. Das Gupta, who we have the pleasure of seeing here to-day, which is not a violent one but moderate in nature. There is no mention of the name of Mr. Sarat Chandra Bose. Under ordinary circumstances, under ordinary discipline, we will have expected the leader to issue an appeal, to lead a procession himself to avoid any disturbance that might have occurred. But we find the name of Mr. Sarat Chandra Bose in the appeal. This was the appeal that was issued to the students as published in the "Advance" of 14th of August:

> "I appeal to the students of Calcutta with all the earnestness I am capable of to make the All-India Andamans Prisoners' Day observance an even more impressive manifestation of their support and sympathy for the cause of justice and humanity than was seen on Monday last."

So we come to Monday last the 9th. There was not much response to the call of Mr. Sarat Chandra Bose and he was not satisfied. He wanted to show that this Ministry was unacceptable, that this Ministry must go, must be brought down to the ground. Therefore, Sir, I say that it is not a motion in sympathy with the Andamans prisoners but it is a motion of a direct challenge to the Ministers and the Cabinet members of the Bengal Legislature. Sir, if anybody was responsible for the violence that might have been committed on that day it was Mr. Sarat Chandra Bose.

The next question is that when there is violence it must be met with violence and that is also the preaching of Pandit Jawahar Lal Nehru. I will just now read out a report of Pandit Jawahar Lal Nehru when he was interviewed on the point of the strikers of the United Provinces, namely, the point of firing that was made. Members of this House know that in United Provinces there is national Government or the Congress Government, whatever you call it, but still there was not only *lathi* charges but also firing on the procession of the strikers at Cawnpore, and many people lost their lives. That is the Congress Ministry, that is the Congress Government. Now, Sir, I was telling you that Pandit Jawaharlal Nehru himself supports it. I am reading from the "Hindu" of Thursday, August .

Mr. SPEAKER: You know the Parliamentary conventions. You can read extracts true to the purpose but you cannot say "I am reading from such and such newspapers."

Maulvi ABDUL BARI: Pandit Nehru dwelt on the question of violence and non-violence.

Here is the statement from a man who is acknowledged to be the leader and the President of the All-India Congress. Now, after the statement can it be said that the present Government of Bengal can be accused of having recourse to any sort of mild violence when they found that law and order was going to be outraged in a fashion like this, that the order of the Government was going to be violated in a manner that was being done on last Saturday. If things like this are permitted to go on, the whole social fabric of the nation will fall to the ground and there will be no law and order. That is the position to which one will have to be reduced and I would ask if anybody in this House is prepared to go that length. On these points also I submit that the motion of adjournment on its merit must also fail.

Then I will say that the present Ministry cannot be accused with having anything to do in this matter. If anything was done it was done by the police——

(At this stage the member having reached the time-limit resumed his seat.)

Mr. KAMAL KRISHNA ROY addressed the House in Bengali in support of the motion of which the following is an English rendering:—

Mr. Speaker, I support the adjournment motion brought before the Assembly by the hon'ble Dr. J. M. Das Gupta. A few days back the hon'ble speaker reminded the House that an adjournment motion sought to be brought forward by postponing the ordinary business of the House meant a vote of no confidence against the Government. Bearing in mind what the speaker had said and with a full sense of responsibility and the gravity of the situation arising out of the postponement of the ordinary business of the House, I firmly support this adjournment motion.

I was quite surprised to find in the morning papers the Press Officer's statement regarding Saturday's incident. In it an attempt has been made to suppress an incident which occurred but a day before by twisting and varnishing the real facts. If, to-day as members of the Legislature, we fail to secure any redress in regard to this matter, we should know whether we are members of the Legislature or something else. Just a little while ago the Hon'ble Sir Nazimuddin stated that nothing serious had happened so as to warrant the discussion of an adjournment motion. Immediately upon this there followed the Hon'ble Maulvi Abdul Bari's remark that the Ministry could not be held responsible for this incident. Thus we find that their statements are contradictory to each other and it is quite evident from this that the Hon'ble Sir Nazimuddin had been aware of it all from before.

On receipt of the news that the police had held up the processionists, I hurried to the place of occurrence and found that the police had detained a peaceful crowd. Among the crowd which carried the

national flag there were a large number of ladies. Upon enquiry we learnt from the policemen that they would not allow anybody to proceed with a national flag in hand. On being questioned, the processionists said that they wanted to pass in batches of ten and not in a procession. To this proposal the police agreed but they banned the carrying of the national flag. I then enquired of Mr. B. N. Banerji (Deputy Commissioner of Police) as to when the Congress flag had been declared unlawful. He replied that he had received orders not to allow anybody to carry the flag. Meanwhile, the processionists were blockaded front and rear and unable to move any way.

While Mr. Kamal Krishna Roy was addressing the House, the House adjourned for 15 minutes.

(*After adjournment.*)

Mr. KAMAL KRISHNA ROY: Sir, leaving aside the question of defying the law which has been forbidden by the Congress, we were just thinking upon the course of action to be taken for protecting the honour of the national flag as well as of the nation, when the prison van arrived. Thereupon began the *lathi* charge. It is doubtful whether any Government ever had recourse to lies such as were embodied in the official communique. The first blow of the *lathi* fell on my hand and I fell down. The *lathi* was then used indiscriminately. In my presence the sergeants began tugging and straining at the flags held by the ladies in their hands. When the ladies refused to part with the national flag, they were simply pushed into the prison van. I saw it with my own eyes that a lady student of a college held the flag fast in her bosom with all the might and main and a sergeant tried to snatch it away. The police thus dispersed the whole crowd by means of the *lathi* charge. But God alone knows how stones, shoes and sodawater bottles could find their way into this episode. Such a serious occurrence took place so close to the Assembly Chamber but the authorities did not consider it necessary to hold any enquiry into the matter. They took the polce report as true and to it they gave the epithet of official communique. The Hon'ble Members on the other side (the opposite party) speak of the destruction of the Ministry in every matter. It will be a different thing if the Ministry repudiate all responsibility in relation to this act of the police. But if they take the responsibility for the activities of the police and go on perpetrating misdeeds like this and if an incident like this takes place with their full knowledge, have we in spite of all this, got to support them? For the last few days whenever anything was spoken from this side about the detenus or political prisoners they started as if with a sudden fright. This is exactly what used to happen to Kansa Raja when he heard the name of Lord Krishna. Is this the kingdom of Kansa? If it is so, I would then like to warn the Ministry, "Beware, King Kansa for behold, there on the lap of Debaki is god in the shape of a child". The sacrifice

that has been started by the hundreds of sons of Mother India in the Andamans and in Deoli will never go in vain, and if truth triumphs, and if there is any remedy for falsehood, the fall of this kingdom of Kansa is not far off.

Mr. C. C. COOPER: In rising to oppose this motion I would on behalf of my party record our wholehearted support to the very eloquent protest made by my friend Mr. Abdul Bari against the waste of time occasioned by these all-too-frequent adjournment motions. We are here for the purpose of legislating for and generally working for the benefit of Bengal; therefore it appears to us on this side of the House to be very wrong that so much valuable time should be wasted on the fruitless barren discussions entailed by these adjournment motions. I would take the three points in the resolution—the alleged peaceful procession, the alleged attack on the Congress flag, and illegal *lathi* charge by the police. My information is to the effect that—and all evidence appears to support that information—that it was not a peaceful procession but a disorderly mob. It was an illegal procession. It is not unknown to the organisers of all processions in Calcutta that permission has first to be obtained from the Police before any procession can be taken out. In this instance, no license and no permission was first obtained from the Police, therefore it was an illegal procession openly defying Law and Order. The carrying of banners and flags in any procession is the outward and visible sign of a procession and it matters not, as in this instance, whether the Red flag was carried or the Congress flag was carried. The position would have been the same if the processionists had carried the Union Jack or the flag of any other nation, as the Police have the right to order and direct that all flags of any nation be taken down. Therefore, the suggestion that the Congress flag was insulted is entirely misconceived. The mob was disorganising the traffic of Calcutta and was interfering with the peaceful comings and goings of the ordinary citizens of Calcutta. It was the bounden duty of the Police to maintain Law and Order. The Police exercised very great self-restraint in the face of great provocation and several members of the Police force were hurt in the discharge of their rightful duties. The duty of this Assembly is to thank the Police for protecting peaceful citizens and not to condemn them for doing their duty. Peaceful and law-abiding citizens do not use brickbats nor do they use sodawater bottles as weapons. (A VOICE: It is false.) I emphasize these weapons were used. (A VOICE: No, No.) I have had practical experience of mob law in the streets of Calcutta. I fought in France in the Great War. I say without hesitation that of all the dread weapons which are favourites with the Indian mob one of the most dangerous is the broken soda-water bottle which can inflict most terrible injuries, and some of the Police officers suffered those injuries on Saturday last (Cries of—Question, Question: Absolutely inaccurate).

Another incident of this disorderly mob was the attack made on Mr. Robertson, the Deputy Commissioner of Police. When he was patiently arguing with the people trying to make them see sense and reason, he was treacherously attacked by one of the miscreants who endeavoured to seize Mr. Robertson's testicles, a more foul and despicable outrage is impossible to conceive.

So far as the *lathi* charge is concerned, the Police used their *lathis* in a horizontal way in a perfectly lawful manner to push back the crowd. After the crowd had broken and had began to pelt the Police with stones and sodawater bottles, the Police ran after the mob waiving their *lathis* in the air. If this was a *lathi* charge by the Police, then in my opinion it was perfectly lawful and well justified.

I now come to a much more serious aspect of the case. These breakers of Law and Order are said to be for the most part students (Rai HARENDRA NATH CHAUDHURI: that is the case in every country), (Dr. NALINAKSHYA SANYAL: In England also). These students neglect their studies to join the procession and waste their time in the streets of Calcutta, which speaks badly for the discipline in the Calcutta schools and colleges which I am afraid must be lamentably weak. The general feeling, however, among all right-thinking people of Calcutta, of all races and creeds, is that the students were deliberately incited to join the organized procession and were made tools and dupes of by unscrupulous men for their own political ends.

We heard last week a lot about terrorism and detenus. I say with all seriousness, and I am very distressed to say it—but I do feel within my own heart that the deliberate organising of the students to go out on to the streets of Calcutta to take part in such political processions is the first step towards the incitement to race hatred, the manufacture of terrorism and the breeding of detenus for the future. Sir, such a thought fills one with the utmost sorrow and pessimism for the future of the youth of Bengal. I commend to the thoughtful consideration of my Congress friends the words of the Bible—"Wisdom is the principal thing; therefore get wisdom and with all thy getting, get understanding."

The Hon'ble Khwaja Sir NAZIMUDDIN: I would ask the House, Sir, to consider dispassionately the question that has been raised by the mover and the supporter of the adjournment motion. So far what have we had to go upon? First and foremost, that there has been a *lathi* charge by the police; secondly,—though this has not been seriously pressed—that the flag, as it has been asserted the "National flag" but I do not admit that it is a national flag but it is the Congress flag because the population of Moslems in India is one-third of the total and they have never recognised the Congress flag as the "national" flag, neither in Bengal has the majority population recognised it as

the national flag, and it is simply a misnomer to call it the national flag—it is nothing but a Congress flag—it has been said that this flag has been insulted; thirdly, that—although this item too has never been seriously contended here—although one member referred to it—that girl students who were in the procession were roughly handled.

Now, Sir, in the Government communiqué that has been published this morning it has been said that this is not correct (A VOICE: it is a tissue of lies). Sir, it is not a tissue of lies, I would ask my friends to go through the communiqué and consider it along with the speeches made here to-day and I am certain that they will find that the communiqué is absolutely correct. Even those who have spoken here to-day have not been able to prove that the communiqué is not correct, for the simple reason that if we take Dr. J. M. Das Gupta's speech itself, you will find that a great deal of what he has said is correct and that is also admitted in the communiqué but at the same time he has omitted a great deal that is in the communiqué. Let me point out, Sir, that in the communiqué it has not been denied that there was a *lathi* charge. It has been stated that the police dispersed the mob with force. When reading the communiqué it is important to remember that the police proceeded with horizontal *lathis* first, but when brickbats and sodawater bottles began to be thrown at them the police dispersed the mob with force. In an incident of this character I challenge anybody to get up and say what did actually happen. You cannot say definitely that brickbats were not thrown at all. (Mr. P. BANERJI: I was there, Nazimuddin, I say that it was not so.)

Mr. SPEAKER: Mr. Banerji, I may say that you are entitled to interrupt but I will not allow you to show disrespect to any member of this House. I distinctly heard you address the Hon'ble Sir Nazimuddin as simply Nazimuddin.

Mr. P. BANERJI: No, Sir, I did not say so; I surely called him Sir Nazimuddin.

Mr. SPEAKER: No, you did not do that. You must learn Parliamentary manners.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, when people are running away and when there is an advance by the police holding their *lathis* in a horizontal position, and the mob is resisting, it is impossible for anybody present to say or see what is happening. I do not of course say that everybody was throwing brickbats, that everybody had started assaulting the police and that sodawater bottles were used in plenty. But what I say is that these things actually happened, otherwise several policemen would not have been injured. Brickbats

and sodawater bottles were used and seven police officers were injured and they had to be attended to medically.

A voice: What is the extent of their injury?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is not the fundamental issue. I will come to that later. Then, Sir, as regards the question of communiqué, it is definitely said that the first thing the police did was to form a cordon round the girls so that the girls might not get into any kind of trouble by the people who were running away, and they were removed bodily in some cases because they refused to obey the orders of the police—there was no option at that time but to bodily remove them to the prison van and taken them to Lal Bazar.

The third thing suggested was that the Congress flag was insulted. I very strongly repudiate that suggestion. There was nothing of the kind so long as the procession proceeded along the route that was not prohibited. Nothing was done so long as the flags were flying on the portion of the route that was not prohibited. Nobody can show any disrespect to that flag. Now, the question arises what did the police ask them to do. They said "you cannot proceed along this route in procession" and our interpretation is that flying of flags and going along a prohibited area constitutes a procession and "we request you to unfurl the flags." (A voice: Would a man carrying a flag constitute a procession?) It is not possible to carry a flag by one man as the whole crowd would follow him. Mr. Cooper said and I repeat that on Monday a similar procession was taken out and the similar procedure was adopted but no trouble was created. (A voice: the salary was not then voted.) Let me here remind you of what Mr. Abdul Bari said. I tell you why there was no trouble on that day while there was trouble on the 14th—because the meeting of the 9th was a fiasco. It was not very successful and excitement had to be created and the only way to do that was to disobey the police so that the police may use force to disperse the crowd. That is the one and only interpretation of the action of those who led the procession.

Let us see what happened for an hour and a half. It is admitted that the police stopped the procession, argued with the processionists, and tried to persuade them for at least an hour. When Dr. J. M. Das Gupta came the Deputy Commissioner went personally to him and appealed to him to explain the position. Now, the crucial question is this: what is the cause of this incident? You have got to go to the main cause. There is a Government law—right or wrong that was the law—and the people knew that if they took the procession along that route it would be illegal and would be stopped. What is not allowed under the law is illegal. Now who is guilty? Supposing for argument's sake that the police used force, is it the people who enforced the law or those who deliberately broke the law? Mr. Abdul Bari has

quoted what Pundit Jawahar Lal Nehru said. Let me now tell you what the Chief Minister of Orissa said in this connection. That is the crux of the whole question. No Government—even Congress Government—can allow disorder to take place: this is what the Chief Minister of Orissa said. "As long as you maintain peace and order my police will never interfere with you." I repeat those words as Minister responsible for Law and Order. "In my province I want you to understand (this seems prophetic) that if there be any breach of peace and order my police will be forced to take action and thereby your money will be wasted." Now, our police have taken action because peace and order has been disturbed. And the last portion of it, let me repeat again. It is most unfortunate, un-Indian, and un-oriental to bring these school and college girls in a procession of this kind when the organisers knew that there was every likelihood of trouble, to put them in the foretront of the procession and then to make a row over it. It is I think almost criminal. It is, I declare most emphatically, against all conception of Indians to utilise women in a procession of this kind. They knew perfectly well that there was likelihood of the breach of peace and knowing it to place them in the foretrout of the procession or to acquiesce in their action of sitting down on a public street and refusing to move when asked by the police is an action which no right-minded people can support.

I would conclude by saying that it is unfortunate that these persistent attacks are being made on the Ministry. This Ministry is not the same as it was in the old days. It has got the majority in this House and it has got the support of the country and the public which was amply demonstrated on Sunday in the Town Hall. I maintain that there is a vast section of the non-vocal public belonging to the caste Hindus and scheduled caste who are solidly behind this Ministry and who honestly believe that the time has come when the Government should be given full opportunity to work the Reforms. I would like this House to understand that this Government is not going to be deterred by attacks. We want to co-operate: we extend our hands in co-operation and we want to get on with our work. I fully agree with what Mr. Bari and Mr. Cooper said. It is absolutely correct that day in and day out short-notice questions are the order of the day. Neither can we do our departmental work nor can we attend to our proper legislative work. I oppose the resolution but we would welcome constructive criticisms. We are not afraid of them. But we would welcome helpful criticisms and we are ready to listen to them I deplore this kind of persistent attack on the Ministry, where the Press may be considered as the smoke screen of lies and poison gas of lies and the front line is composed of skirmishes with police and the women students of the college, and the storm proof students who are being utilised for this attack on the Ministry.

I would again say that this Ministry has got the support of the Legislature and of the country and it ought to be allowed to get on with its proper work.

The Hon'ble Mr. A. K. FAZLUL HUQ: My colleagues and I extremely regret the deplorable incident of Saturday and we can do so without accepting the arguments of my friends opposite or without accepting the conclusion they have thought fit to draw from the arguments which they have put forward. It has been said that we and our supporters are always bringing forward the cry of communalism in support of this Ministry. I can assure the House that we do not stand at all for the support of our Ministry on the uncertain support that can be given merely by communalism. We stand on much broader basis of popular support and sympathy for the programme that we have put forward, and although we know that there may be one or two waverers in this House who do not know their own mind. I feel sure that the majority that we command in this House is absolutely sufficient for us to go forward with our programme unless of course we are retarded by impulses, impediments, and obstacles that may be thrown in our way. It has been said that we raise the cry of communalism. I will read to you extracts from some of the speeches that have been delivered on Monday, the 9th and Saturday, the 14th. It will give the House an idea of the kind of stuff that are being put before the younger generations inciting them to murder and violence calling us communal dogs and asking the students to pull us by the ears and saying that India will be flooded with blood—

Mr. NIHARENDU DUTTA MAJUMDAR: May I point out to the Chief Minister that murder is taking place in the Andamans also.

The Hon'ble Mr. A. K. FAZLUL HUQ: In the speech delivered on the 9th August the President said that the gunpowder was now ignited.

"If such a shameless statement as has been made by Nazimuddin were made by a member of the British Government in England, the people would catch the Government by its throat."

"The political prisoners wanted to show that for the sake of loving their country they had accepted the gallows and prison-house."

"Great oppression had been perpetrated and streams of blood had flowed over the country."

"They should come forward to destroy the Imperialists and burn the reactionaries to death."

Who are the reactionaries? I ask the House to consider and give us its decision.

"A day might come when the whole of India would be flooded with blood."

Mr. Provash Sen said that the Andamans prisoners had gone there after besmearing their country with blood.

"The dogs like them (namely Ministers) would spoil the national life. Why the students, in their formative period, had to fight was on account of these communal dogs like them (namely the Ministers)."

The Ministers whom he described as barbarous and worthy to be dragged down by their ears.

"The Andamans prisoners were not prepared to give any undertaking that they had no faith in terrorism. The students should declare—

Dr. NALINAKSHA SANYAL: On a point of order, Sir. May I submit when the Hon'ble Chief Minister reads out some extracts from different speeches we might be enlightened where the speech has been delivered and by whom?

Mr. SPEAKER: Mr. Sanyal, I must say that this is not a point of order. You will kindly notice the difference between a point of order and a point of information. By a Parliamentary convention the Speaker is to stop a speaker if a point of order is raised but there is no convention that on a point of information the speaker is stopped, and I am required to stop the speaker whoever he might be, as soon as the point of order is raised. I consider that you probably knew yourself that this is not a point of order and I would remind you and hope that in future a point of order which will be raised should be a definite point of order. I quite feel that so far as your point of information is concerned that is a pertinent question, but whether that question should be answered by Mr. Fazlul Huq is more than I can say. I will certainly draw his attention.

The Hon'ble Mr. A. K. FAZLUL HUQ: "The students should declare that for the sake of bringing about their release (namely, the release of the prisoners in the Andamans) they should mount the gallows." How can they mount the gallows unless they committed murder?

"They had not abandoned the path of terrorism for fear of the anti-imperialist association nor as the result of harassment of the dogs."

"They would not bow down their heads before the red eyes of Nazimuddin."

Then, Sir, I will read out one of the extracts from the speech of the meeting of the 14th.

"The speaker urged all to create a great agitation so that the machinery of administration might come to a standstill. They should spread the agitation to all parts of India and give it a revolutionary character."

"The workers should be induced not to kindle the street lights and also to stop the supply of water."

"Huq Cabinet was there to suck the blood of the masses."

"The masses should try to bring about such condition in the country as would make a joint electorate possible!"

Mr. Niharendu Dutta Mazumdar described the fire in the processionists' minds as initiation in the "Agni-Mantra." They would not find peace of mind until they have destroyed the reactionary Ministry.

Biren Bhattacharjee said that they would march onwards with their mad war cry of revolution and destruction.

"They would have to march on in the mad fury of revolution breaking and burning everything that fell in their way."

"Colson and Huq should first be whipped."

Now, Sir, I could have given more extracts. It is no use saying that we are communal; but our programme is not communal. Our programme is the amendment of the Bengal Tenancy Act—that is not communal. Our programme is to spread primary education in the country: it does not matter whether a Congress Ministry does it or whether a non-Congress Ministry does it; it benefits the country. The programme that we have put forward, the programme that is before the country is absolutely non-communal in character. Now, Sir, if you raise communal cries of that kind it is natural that our supporters also should raise counter-communal cries and it is not surprising that gradually the division of this House is going to be more and more on communal lines. Whose fault is that? You have never allowed any opportunity to the members of this House to work on non-communal lines.

Sir, I submit that the root cause of all these troubles in this country is the question of the release of political detenus. Sir, I, in spite of all that the Opposition may say about me, give this solemn assurance that I am always ready to be at their service in the matter of the question of the release of political detenus. Sir Nazimuddin has made a definite offer that if guardians and responsible persons come forward and take charge of these boys we are ready to hand over these boys to their guardians and other responsible persons. I repeat that offer, Sir, here and now that if guardians come forward and take charge of their wards we will be too glad to let them go to their guardians and to those who can look after them. Up till now, Sir, in spite of that offer no guardians have come forward. Last night, Sir, I received a letter from a detenu in the Détention Camp at Berhampore. It was couched

in a language which appealed to my heart. I replied to him personally that I will look into his case and I have recommended that this boy should be released and if the Political Department raise any objection I am going to give guarantee for the boy's good conduct. For what I want is this—not attack and counter-attack, no speeches but a spirit of amity and goodwill. Let our friends of the Opposition come forward, let them not hash their heads against the wall. Let them come forward and co-operate with us. I made this offer over and over again and I say with all the emphasis that I can command that we are not going to detain the detenus one second more than may be absolutely necessary. We are tired of keeping them in custody. We do not want them. I know the sorrow it causes to their parents and guardians. I have received letters which are so pathetic in tone that I am disposed to go over to these people and ask them to come and live with me. We are not dogs although we are Ministers; we are human beings and I appeal to the Opposition to come forward and clasp the hand of fellowship. Let them come forward, let them take charge of the boys—not generally but individually and singly—and they will see that we are not prepared to retain anybody in custody one second more than is necessary. I do not wish to take up the time of the House. After all things have happened and those who organised the procession knew the dangers of it. After all it is a deplorable incident and we all regret. I do not wish to say anything more.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is not necessary for me to intervene in this debate after the eloquent appeal made by my friend and leader, the Hon'ble Chief Minister. There is, however, one aspect of the question on which I would like to make a few observations. I have listened with attention, and if I may say so with respectful attention, to the well-balanced speech of the mover of the adjournment motion. He said that there is such a thing as responsive violence. Sir, that is exactly the danger that we would all like to avoid. If the young and the impressionable youths of Bengal are allowed to be exploited for political purposes in the way they are being exploited at present recrudescence of terrorism in Bengal is almost inevitable. The Hindu community had suffered and suffered most in the past because of terrorism, I appeal to those who have got any influence with the community to cry halt, to ponder over situation that has been brought about by the incident of last Saturday. It is high time that responsible members of the community should declare against such exploitation of the Hindu youths once for all. Sir, the clash between the police and a section of the public must be avoided. It is no doubt the duty of Government to do so but I hope it is equally the duty of those who have got influence with the student community to prevent the students from courting conflict with the police engaged in performance of their duty of enforcing the law. Sir, my friend the Hon'ble the Home

Minister has made a clear declaration of Government policy regarding the detenues. It is not a policy of detention but of release and Government stand committed to that policy. I appeal to my friends opposite to give us a chance, to give us an opportunity to carry out that policy. The situation that has been brought about the clash between the students and the police will hamper and not help Government in giving effect to their policy. It is my friends opposite who can create a favourable atmosphere which will help Government in carrying out the policy they have enunciated. The whole of Hindu Bengal looks forwards to my friends who have tremendous influence with the community in bringing about an atmosphere in which it may be possible for Government to follow their policy of amelioration and appeasement. The Hon'ble Chief Minister has offered the hand of co-operation and I do hope that the hand will be clapsed with alacrity.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, Sir, my friend Mr. Abdul Bari has tossed the fall across the net and I am glad he did so because I feel convinced, Sir—and the facts and circumstances strengthen my conviction—that I shall be able to return it with redoubled vigour. What are the facts? It is said that on the 9th of August last there was no untoward incident. Whether the Hon'ble Home Minister knows it or not—I believe he knows it because I suppose he is well-posted with the facts—I was responsible for the procession of the 9th of August, 1937. I am sure his police know well enough there was no untoward incident though the procession started from one end of the town and the processionists walked miles and miles and then came to the Town Hall. Sir, it has been said that the meeting of the 9th August was a fiasco. Sir, I never came across such a perversion of facts. The meeting of the 9th of August was a meeting the like of which we did not witness for years and years. Thousands and thousands of people were assembled on the steps of the Town Hall, thousands more were inside the Hall itself, and there was not one inch of space. Mr. Abdul Bari has insinuated many things, I do not care for his insinuations; but when I found the Hon'ble the Home Minister repeating them, I felt sorry because I expected him to have been better posted with the facts than Mr. Bari. The Hon'ble the Home Minister repeated what Mr. Bari said, namely, that the meeting of the 9th was a fiasco and he further said that because it was a fiasco efforts were made on the 14th—I do not say he used the exact words—to spoil for a fight. Mr. Abdul Bari did me the honour of reading only two sentences from my appeal, but he very wisely refrained from reading the rest of it, because if he had done so he would have given his case away. This is what I said:—

"In order that this nation-wide protest might lose none of its dignity, students should remember that their demonstration should be

peaceful and non-violent in spirit and expression. They should also remember that they should on no account interfere with the liberty of those who may not agree with them; they should not attempt to enter institutions to which they do not belong; and they should not come into conflict with school and college authorities. Let disciplined spontaneity be their watchword. The cause of justice and humanity requires nothing more."

If this be the language of violence—and Mr. Bari used the expression that I was responsible for violence—I say I am proud of that language, and I shall, if necessary, atone for it with the last drop of my blood. Mr. Abdul Bari said that Mr. Sarat Bose was not on the spot on the 14th. Let me tell him that Mr. Sarat Bose owes loyalty and allegiance to the acting President of the Bengal Provincial Congress Committee and when the acting President was on the spot it was not necessary for a humble worker of that Committee to be there. But when at 9-30 p.m., on Saturday night, my humble services were requisitioned in order to persuade the crowd to disperse from the place, I was on the spot within a few minutes and even the police—even Mr. Robertson whom the press communique swears by—openly acknowledged in the presence of hundreds that my presence was helpful.

Mr. Fazlul Huq in his opening sentences expressed regret for the unfortunate incidents of Saturday last. When I heard him expressing regret, I did not anticipate what was going to follow. I can only speak for the Congress in this House, and so far as the Congress organization is concerned, I shall challenge Mr. Fazlul Huq to name any office-bearer of the Congress, who has ever lent himself to any communal propaganda. The acting President of the Bengal Congress Committee is here; many members of the Congress party are here in this House. Though Mr. Fazlul Huq read some speeches—I do not know if they were correctly reported—he read only the speeches of those who were youngsters in their teens. Had he read the speech of the President of the meeting of the 9th August—and the President was no one else than myself—he would have found the spirit which animated his utterance. It is no use pointing out a few extracts from a few utterances of excitable youths who were within their teens. Mr. Fazlul Huq well knows that boys are boys and will remain so. If in the excitement of the moment they attempted to use any excitable expressions—— (A VOICE: What about the students of the Moslem Institute?) my appeal to the House and to the members of the House is not an appeal addressed to Hindus or Muslims or Christians. I appeal to them as brother Bengalis; and I would ask all of them even at this late hour not to consider themselves as Hindus and Moslems but as brother Bengalis. I would ask them all to take courage in both hands and to assert with all the power at their back the fundamental

liberties of the subjects. If they fail in that, then I submit they would stand before the bar of history, and history will not fail to condemn them. Let the members of the Treasury Benches remember that they stand before the bar of history where all the pomp and circumstance or the glitter of their present proud position will avail them not. Let them remember that their measures will be critically examined and their actions as carefully judged. If there be any repetition of the disgraceful incidents which have disgraced public life in Bengal—I refer to the disgraceful incident of the police using *lathis* on young men and ladies, who up till that moment and till the last, remained peaceful and law-abiding—if those disgraceful incidents are repeated, I am sure that the condemnation of history will come upon them. I would appeal to them to remember not that they are Hindus or Muslims but they are Bengalis in whose hands—whether accidently or by the vote of majority of this House—power has been placed. Let them remember that the possessors of power will always be judged even more strictly than the Opposition. Possessors of power must always remember, must always beware that that the power in their hands is not abused.

Now, Sir, the Hon'ble the Chief Minister said, he had his peasant programme. So far as the Congress programme is concerned, this House will find sooner or later—sooner rather than later—that the Congress will put forward a much bolder peasant programme than any other party in Bengal. But let the Hon'ble the Chief Minister confine himself to the subject before the House and the programme relating to that subject. That programme is the assertion of the civil liberties of the people. On that we have heard nothing, even though that was the most appropriate subject for this evening's discussion. I expected to hear from the Chief Minister that he would stand by the people and fight for their liberties inside the Cabinet. I have not yet heard that from him, though I had expected it from him, particularly because of the way in which he began his speech regretting the unfortunate incidents of Saturday last—I expected a statement from him that he would fight for freedom of thought, freedom of speech and freedom of association. If he had said that, I am sure nothing would have pleased the members of the House more and, particularly, this side of the House. I still think that it is up to him to declare in no uncertain terms that so far as Fazlul Huq the man is concerned and so far as Fazlul Huq the Chief Minister is concerned he will fight for the liberty of the people including freedom of thought, freedom of speech and freedom of association.

Now, Sir, one word more and I have done. It is acknowledged in spite of what has been said in the Press communique, it is acknowledged, if you read between the lines, that there was really nothing in the nature of a disorder. The Hon'ble the Home Minister said that soda-water bottles were thrown. Even the Press communique does not say

that. The most that it says is that people were trying to provide themselves with sodawater bottles. There is the Press communique on the one hand from the department of Khwaja Sir Nazimuddin. The Home Minister himself was not on the spot; he has no personal knowledge of what happened on that occasion. On the other side, we have the narration of events by eye-witnesses of the position of the acting President of the Bengal Provincial Congress Committee and the Secretary to that Committee. We have hearsay testimony on the one side, and direct personal testimony on the other. The House will have to choose between them; and I say, Sir, if you test it by the light of truth, I am sure truth will declare that the version given by the acting President of the Bengal Provincial Congress Committee and the Secretary is really the more acceptable of the two.

There is one word more and that is a word of appeal which I shall address to the Hon'ble the Chief Minister. Let him not, either by error of judgment or by placing too much reliance on the Calcutta Police, allow Bengal to drift in a manner that may convert Bengal into another Ireland. I utter this solemn warning with a full sense of responsibility. I know, Sir, that in 1920-21, in order to meet the attacks of the Sinn Fein movement, the British Government in Ireland adopted the mistaken step of inciting people to violence. I remember the language that was used in the British Government's organ, the *Weekly Summary*, which was started by Sir Hamer Greenwood, the then Chief Secretary for Ireland and his Under-Secretary, Sir John Anderson.

Mr. C. C. COOPER: I put that the question be now put.

Mr. SPEAKER: The Leader of the Opposition has half a minute more and he must be allowed to conclude his speech.

Mr. SARAT CHANDRA BOSE: If persons who are described as guardians of law and order, break law and order themselves, I shall expect Mr. Fazlul Haq to assert in this House in unequivocal terms that the so-called guardians of law and order will not escape the clutches of the law. If and when he makes that statement before the House, he can demand our co-operation; he can demand our sympathy and support. I expect him to make such a statement——.

Mr. C. C. COOPER: I put that the question be now put.

The motion that the question be now put was then put and agreed to.

The original adjournment motion being then put, a division was taken with the following results:—

AYES.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazal, Mr. Md.
Acharyya Choudhury, Maharaja Sashi Kanta of Muktagacha, Mymensingh.
Aftab Ali, Mr.
Azimuddin Ahmed, Mr.
Banerjee, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Bannerjee, Mr. Manoranjan.
Barman, Babu Shyama Prasad.
Basu, Mr. Santosh Kumar.
Bhaumik, Dr. Gobinda Chandra.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Babu Narendra Narayan.
Chakraborty, Mr. Jatindra Nath.
Chattopadhyay, Babu Haripada.
Chaudhuri, Rai Narendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Dass, Babu Debendra Nath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Mr. Narendra Nath.
Datta, Mr. Dhirendra Nath.
Deisi, Mr. Narendra.
Dutta, Mr. Sahamar.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Emdadel Kaque, Kazi.
Ghose, Mr. Atul Krishna.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Himatsingka, Mr. Prabhudayal.
Jainuddin Hashemy, Mr. Syed.
Khaitan, Mr. Debi Prasad.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nichitha Nath.
Maiti, Mr. Nibaran Behari.
Maji, Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mazumdar, Mr. Birendra Nath.
Mal, Mr. Iswar Chandra.
Maqbul Hossain, Mr.
Mukherji, Mr. Dhirendra Nagayan.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Naskar, Mr. Hem Chandra.
Pain, Mr. Barada Prasanna.
Pramanik, Mr. Tarinicharan.
Ramiruddin Ahmed, Mr.
Ray Choudhury, Mr. Birendra Kishore.
Ray, Kumar Shib Shekhareswar.
Ray, Mr. Kamakhrishna.
Ray, Mr. Kiran Sankar.
Ray, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Roy, Rai Bahadur Kshirod Chandra.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Sen, Rai Bahadur Jogesh Chandra.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Maniendra Bhusan.
Sur, Mr. Narendra Kumar.
Tapuriah, Rai Bahadur Moongtu Lall.
Zaman, Mr. A. M. A.

NOES.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz Mia, Mr.
Abdul Hakeem, Mr.
Abdul Hakim Vikrampuri, Mr. Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar Siddiqui, Maulvi.
Abdul Kader, Mr.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashid Mahmood, Mr.
Abdur Rashid, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur.
Abul Hashim, Maulvi.
Abul Hossain, Mr. Ahmed.
Abul Quasem, Maulvi.
Aftab Hossain Jeardar, Maulvi.
Ahmed Ali, Khan Sahib Maulana Fazlepuri.
Ahmed Ali Miridha, Maulvi.
Ahmed Hossain, Mr.
Alimuddin Ahmed, Khan Bahadur.
Aminullah, Maulvi.
Amir Ali, Md. Mia.
Armstrong, Mr. W. L.
Asharafali, Mr. M.
Asiad Hossain Khan, Maulvi.
Azhar Ali Maulvi.
Bannerjee, Mr. H. C.
Barat Ali, Mr. Md.

Barma, Babu Promhari.
Barma, Mr. Puspajit.
Barman, Babu Upendra Nath.
Biswas, Babu Lakshmi Narayan.
Brahmbar, Mr. F. C.
Campbell, Sir George, Kt.
Clark, Mr. J. A.
Cooper, Mr. G. C.
Crossfield, Mr. L. M.
Das, Mr. Asutosh Chandra.
Das, Mr. Monmohan.
Edgar, Mr. Upendranath.
Farhad Raza-Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman Muktear, Mr.
Gammeter, Mr. E. C.
Ghasiuddin Ahmed Chowdhury, Mr.
Golam Sarwar Hossaini, Mr. Shah Syed.
Griffiths, Mr. C.
Gurung, Mr. Damber Singh.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur.
Hasina Murshed, Mrs.
Hatemtali Jamadar, Khan Sahib.
Haywood, Mr. Rogers.
Hendry, Mr. David.
Ispahani, Mr. M. A. H.
Jalaluddin Ahmad, Khan Bahadur.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Sahib.
Kasem Ali Mirza, Sahibzada Kawas Jah Syed.
MacLachlan, Mr. G. S.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtab, Maharajkumar Uday Chand.
Mahtabuddin Ahmed, Khan Bahadur.
Mandal, Mr. Sirat Chandra.
Mandal, Mr. Jagat Chandra.
Mandal, Mr. Jogendra Nath.
Millet, Mr. S. W.
Miller, Mr. C.
Milne-Robertson, Mr. C. E. L.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Mohammad Afzal, Khan Sahib Maulvi Syed.
Mohammad Ali, Khan Bahadur.
Mohammad Ibrahim, Maulvi.
Mohammad Ishaque, Maulvi.
Mohammad Israil, Maulvi.
Mohammad Siddique, Dr. Syed.
Mohammad Sulaiman, Mr.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Mushorruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawwal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Sris Chandra, of Kasimbazar.
Nasarullah, Nawabzada K.
Nawsher Ali, the Hon'ble Maulvi Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K. C. I. E.
Nimmo, Mr. T. B.
Patton, Mr. W. C.
Rahman, Khan Bahadur A. M. L.
Raikat, the Hon'ble Mr. Prasanna Deb.
Rajihuddin Tarafdar, Maulvi.
Razzar Rahman Khan, Mr.
Ray, the Hon'ble Sir Bijay Prasad Singh, Kt.
Ray, Mr. Dhananjay.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sarkar, the Hon'ble Mr. Nalini Ranjan.
Sassoon, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja. C. B. E.
Shahedali, Mr.
Shamsuddin Ahmed Khandkar, Mr.
Singha, Babu Kshetra Nath.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, Maulvi.
Thakur, Mr. Pramatha Ranjan.
Tofel Ahmed Chaudhury, Maulvi Haji.
Wahid Rahman, Maulvi.
West, Mrs. Alice.
Wordsworth, Mr. W. C.
Yousuf Mirza, Mr.
Yusuf Ali Choudhury, Mr.
Zahar Ahmed Choudhury, Mr.

The Ayes being 72 and Noes 133, the motion was lost.

Adjournment.

The House was then adjourned till 3-45 p.m. on Tuesday, the 17th August, 1937, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 17th August, 1937, at 3-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, the eleven Hon'ble Ministers and 217 elected members.

STARRED QUESTIONS

(to which oral answers were given)

Detenus.

*64. **Mr. SATYA PRIYA BANERJI:** Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to lay on the table a statement showing the number as also the names of detenus interned during the period from 1930 to the 31st March, 1937, and thereafter since the 1st April, 1937—

(*i*) in villages with the names of the villages and the general condition of health of those villages;

(*ii*) at home;

(*iii*) kept in Deoli, Hijli and Berhampore Detention Camps, respectively; and

(*iv*) kept in jails?

MINISTER in charge of HOME (SPECIAL) DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): The statement cannot be compiled without the expenditure of time and labour which Government are unable to undertake.

Babu NAGENDRA NATH SEN: Even if the names could not be given, is it not possible to give the number?

The Hon'ble Khwaja Sir NAZIMUDDIN: The question, as it is, requires a lot of materials to be collected which would take a very long time and a great deal of labour.

Babu NAGENDRA NATH SEN: My question is whether it would be impossible to give the number only.

The Hon'ble Khwaja Sir NAZIMUDDIN: The question is a comprehensive one and that is why it requires a good deal of labour and time.

Mr. SASANKA SEKHAR SANYAL: Does not the Home Department possess a ready list of names with description of such detenus?

The Hon'ble Khwaja Sir NAZIMUDDIN: We have got to go through a large number of files involving much time and labour.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister prepared to issue a bulletin in answer to this question?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is a request for action.

Remuneration to the permanent employees of the Registration Department.

*65. **Mr. J. N. GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether a Circular No. 14024-50, dated the 13th December, 1932, was issued by the Inspector-General of Registration, Bengal, in December, 1932, in regard to the clearing of arrear work towards the end of every year, by the permanent employees of the Registration Department in addition to their respective duties in which it was stated that each of the persons so engaged would be remunerated?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any of the staff so engaged has been remunerated in terms of the Circular?

(*c*) If no remuneration was paid, what are the reasons?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) the Circuular of 1932, a copy of which is laid on the Library table, was to the effect that all copying work should be brought up to date by the end of the year, so that no arrear might be carried over to the next year; but there was no direction that the work should be done solely by the members of the permanent staff. There was no mention of any additional remuneration to the permanent employees of the department.

(*b*) and (*c*) Do not arise.

Mr. J. N. GUPTA: Is it not a fact that the staff of the Registration Department are made to work overtime even during holidays?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware but I am prepared to make an enquiry.

Mr. J. N. GUPTA: Is it not included in the Circular that the staff should be made to work overtime even during the Christmas holidays?

The Hon'ble Mr. A. K. FAZLUL HUQ: I would like to have notice because an enquiry will have to be made.

Mr. J. N. GUPTA: Is the Hon'ble Minister aware that the staff of the other departments of Government are given allowances for overtime work?

Mr. SPEAKER: That question does not arise. I have already ruled that you can put any question on the specific issue raised but whether other departments allow allowances or not is quite beside the point.

Flood in Nadia.

*66. **Babu HARIPADA CHATTOPADHYAY:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) that a vast portion of the district of Nadia was affected by flood in the year 1934;

(*ii*) that since then the flood has become an annual phenomenon in the district;

(*iii*) that His Excellency the Governor of Bengal in reply to the address presented to him at Krishnagar in January, 1935, observed that the flood was partly due to obstruction to the natural flow of the river Padma caused by the protective works constructed for the protection of the Hardinge Bridge; and

(*iv*) that His Excellency the Governor of Bengal in the said speech assured that this Government would do their utmost to see that no final solution as to the best means of the protection of the bridge would be arrived at which would cause more harm to lands of the neighbouring villages than unavoidably necessary?

(b) If the answers to (a) are in the affirmative, will the Hon'ble Minister be pleased to state the steps proposed to be taken by Government in the matter with a view to give relief to the villagers near the Hardinge Bridge?

(c) Is the Hon'ble Minister aware—

(i) that the flood of 1936 far exceeded in intensity the flood of 1934; and

(ii) that when the Hon'ble Sir Nazimuddin, the then Minister in charge of Irrigation Department, visited Chuadanga in the district of Nadia in October, 1936, he was requested by the people of Nadia to take steps for the prevention of flood in future?

(d) If the answers to (c) are in the affirmative, will the Hon'ble Minister be pleased to state the steps taken by Government for the prevention of such heavy floods.

MINISTER in charge of COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Kasimbazar): (a) (i) The Kushtia subdivision was affected.

(ii) No. There was no flood in the year 1935.

(iii) No.

(iv) Yes.

(b) The matter concerning the improvement of drainage of lands behind the Hardinge Bridge training works has been taken up with the Railway.

(c) (i) No.

(ii) Yes.

(d) The question of diverting part of the discharge of the river Ganges down the Mathabhanga and other off-taking rivers is under consideration.

Mr. SASANKA SEKHAR SANYAL: Is the rise in the Padma flood mainly due to the fact that no surplus water from the Padma flows into the Bhagirathi on account of the silting up of the Chapghati Mahanad?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: That might not be the only factor.

Mr. SASANKA SEKHAR SANYAL: Is it not a fact that Sir William Willcocks submitted a report to that effect?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Yes.

Mr. SASANKA SEKHAR SANYAL: Is it not a fact that the Padma floods affected terribly a large portion of the Murshidabad district during the last four or five years.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Yes, in some years in the past.

Mr. SASANKA SEKHAR SANYAL: Has the Government taken any action with a view to combating and preventing floods?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I may explain here that it is a very difficult task to combat floods. It is not by erecting bunds that we can stop them. We have got to make contour survey of very large areas and then find out areas for the excess water to spill. Until these are done, I am afraid it is not possible to stop occasional floods.

Dr. NALINAKSHA SANYAL: Might I enquire if the spill water of the Padma can be diverted partly through the river Ganges and partly through the Jalangi to the great relief of the bridge as well as improvement of the areas concerned.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I am prepared to agree that it might be so if that is possible but it is not such an easy matter as the hon'ble member thinks.

Mr. SASANKA SEKHAR SANYAL: Is it in the contemplation of Government to open a new diversion channel?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: There is no scheme at the moment of a diversion channel but we are thinking of having a contour survey of that area. As a matter of fact a portion of the survey has already been undertaken. After the question is considered in all its aspects we will be in a position to say what course we should adopt to put a stop to some extent at least to these floods.

Babu NAGENDRA NATH SEN: With reference to (*b*), when was the matter concerning the improvement of drainage taken up by the railway and what progress has been made since then?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I want notice.

Mr. SASANKA SEKHAR SANYAL: Will the Government consider the question of publishing Sir William Willcocks' scheme?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I believe that is already before the public.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that since the notice of this question has been given, floods have also occurred in the other subdivisions of Nadia for the same reason?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: There may have been floods, but I have not gone into their causes.

Babu NAGENDRA NATH SEN: With reference to (*d*), what steps have been taken up to this time?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I want notice.

Process-servers.

*87. **Mr. DHANANJOY ROY:** Will the Hon'ble Minister in charge of the Judicial Department be pleased to lay on the table a statement showing for the years 1935 and 1936, separately—

(*i*) the total amount realised from process-fees;

(*ii*) the total amount paid to the process-servers as pay;

(*iii*) the total amount of boat-hire realised for civil court processes;

(*iv*) the total amount paid to the civil court process-servers as boat-hire;

(*v*) the total amount realised from fines imposed on the process-servers; and

(*vi*) the total amount realised as custody-fee for the attachment of properties made by the process-servers?

MINISTER in charge of JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*i*) and (*ii*) The member is referred to the answer given to a similar question put by Mr. Birat Chandra Mandal in this session.

			Rs.	a.	p.
(*iii*)	1935	..	1,30,971	15	11
	1936	..	1,29,934	11	8
(*iv*)	1935	..	1,06,460	13	9
	1936	..	1,08,350	7	9

(*v*) and (*vi*) The information required for an answer to this question is not available and could not be obtained without an expenditure of time and labour which Government regret they are not prepared to undertake.

Babu NAGENDRA NATH SEN: What is done with the surplus amount as shown in (*iii*) and (*iv*)?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: It forms a part of the general revenues of the Province.

Mr. BIRENDRA NATH MAZUMDAR: Considering the large amounts realised, is it in the contemplation of Government to reduce rates of boat hire charged?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Not at present.

Trunk road from Sainthia to Bhairamara through Kandi and Berhampore in Murshidabad.

***88. Mr. SASANKA SEKHAR SANYAL:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware that after the scheme for a railway between Sainthia in Birbhum on the East Indian Railway and Bhairamara in Nadia on the Eastern Bengal Railway was dropped and a project was made for a Trunk Road from Sainthia to Bhairamara through Kandi and Berhampore in Murshidabad?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether it is a fact that the said project is also going to be abandoned? If so, why?

(*c*) Is the Hon'ble Minister aware that such a road would connect by the shortest route the districts of Bankura, Burdwan, Birbhum, Murshidabad, Nadia and several districts of North and East Bengal?

(*d*) Will the Hon'ble Minister be pleased to state when is the construction of the road likely to be taken up?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of K[illegible]: (*a*) No.

(*b*) Does not arise.

(*c*) The proposal is being considered by the Special Officer, Road Development Projects.

(*d*) The construction of a road from Sainthia to Kandi *via* Sultanpur has been recently sanctioned by the Provincial Board of Communications.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*), is there any record of the survey that was actually made of this proposed road in the year 1917-18?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: We have nothing in our archives.

Dr. NALINAKSHA SANYAL: Has the department received any representation from the District Board of Murshidabad drawing attention to the urgency of this project?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I want notice.

Dr. NALINAKSHA SANYAL: With reference to answer (*c*), how long has the Special Officer, Road Development Projects, been considering this scheme?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I do not know when it was started but I believe he will submit his report within a couple of months.

Dr. NALINAKSHA SANYAL: Did the Indian Roads and Transport Development Association address a letter to the Department in 1936, drawing attention to the delay in taking up this project?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I am not aware.

Dr. NALINAKSHA SANYAL: How long will the Special Officer, Road Development Projects, take in finally reporting on this particular project?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I am afraid I would have to give some idea to the hon'ble member as to how these projects are taken up? When these schemes are considered by the Board of Communications they invariably give preferance to those which are recommended by the District Boards. As far as I am aware this road has not been recommended by the District Board.

Recruitment of clerks from the Scheduled castes for the criminal courts of Rangpur.

*69. **Babu KSHETRA NATH SINGHA:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that His Excellency while at Rangpur on the 31st October, 1936, declared to the effect that appointments in the ministerial services would be given to the members of the scheduled castes in the proportion of 1 to 4?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) how many clerks have been appointed in the criminal courts of Rangpur; and

(*ii*) how many of them have been given to the members of the scheduled castes?

(*c*) Are the Government considering the desirability of taking steps to stop recruitment from castes other than scheduled castes till the proportion is reached?

MINISTER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes.

(*b*) (*i*) 22 clerks (5 permanent and 17 temporary) since September, 1936.

(*ii*) 6 (2 permanent and 4 temporary).

(*c*) No.

Babu KSHETRA NATH SINGHA: Are the process-servers included in the ministerial establishment?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I want notice.

A Muhammadan Member: In what proportion are appointments given to the Muslims?

Mr. SPEAKER: Order, order: I have already decided that on a specific question other issues must not be raised. This question concerns only the recruitment of clerks from the scheduled castes, I had

to disallow an exactly similar question put by a member from the other section of the House some time ago. I am afraid your question is not in order.

Detenu Srijut Santosh Kumar Ganguly.

*70. **Mr. SATYA PRIYA BANERJI:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(*i*) whether it is a fact that the detenu Sj. Santosh Kumar Ganguly had been suffering from appendicitis before he committed suicide;

(*ii*) whether it is a fact that the Medical Officer of the Deoli Camp gave him an assurance that he would be transferred to the Ajmer Hospital for treatment; and

(*iii*) whether it is a fact that he was not so transferred?

(*b*) Will the Hon'ble Minister be pleased to state whether he is in possession of any information showing the reason why the said detenu took the fatal step?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) It was suspected by the medical officers who attended the detenu some time before his death that he had had a mild attack of appendicitis but the Magistrate who held the inquest, came to the conclusion on the basis of a *post mortem* examination, that he had been cured. There was evidence that the detenu had been eager to have an operation but there is nothing to justify the view that the detenu committed suicide because no operation was performed. Competent medical officers were opposed to operating before the cold weather.

(*b*) No.

Babu NAGENDRA NATH SEN: Was any action taken when the medical officer detected a mild type of Appendicitis?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have nothing further to add.

Babu NAGENDRA NATH SEN: How can a Magistrate give expert opinion that he had been cured of Appendictics?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have nothing further to add.

Babu NOGENDRA NATH SEN: What are the names of competent Medical officers who were opposed to operation before the cold weather?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, this is a subject primarily under the Government of India and I have given all the information that was possible for me to give. I have nothing further to add.

Mr. SYED JALALUDDIN HASHEMY: It is stated in the answer that the detenu committed suicide because no operation was performed—how could this come in as answer to the question?

Mr. SPEAKER: That question does not arise.

Mr. JOGESH CHANDRA GUPTA: The Hon'ble Minister has been pleased to say that he is not in possession of any information as to the reason why the detenu took the fatal step. Is the Hon'ble Minister prepared to obtain further information with regard to that?

The Hon'ble Khwaja Sir NAZIMUDDIN: This is a matter which has been long finished before the present Government assumed office.

Mr. JOGESH CHANDRA GUPTA: Does the Hon'ble Minister realise that as detention is still continuing, is it not an important matter which should be the concern of this Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: The Government of India are in charge of the Deoli Detention Camp and Bengal representatives in the Central Assembly can ask questions about it. We are not supposed to answer questions on this subject just as the British Parliament has disallowed questions there on Provincial matters since the inauguration of provincial autonomy.

Babu NAGENDRA NATH SEN: Are we to understand, Sir that questions relating to detenus at Deoli are to be banned?

Mr. SPEAKER: The position is this: that it is not primarily the concern of the Bengal Government. But to what extent this House can exercise powers with reference to Bengal detenus is a matter which the House itself know.

LEGISLATIVE BUSINESS

GOVERNMENT BILLS.

The Bengal Famine Insurance Bill, 1937.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to introduce a Bill to provide for the establishment and maintenance in Bengal of a Fund called the Bengal Famine Insurance Fund for expenditure upon relief and insurance against serious famine and distress caused by serious drought, flood or other natural calamities.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg further to move that the Bill be taken into consideration.

Under the Government of India Act, 1919, there was a Famine Insurance Fund and the Fund used to be held in the balance of the Government of India on which the Government of India used to pay to the Local Government interest at the rate of less than one per cent. at which they used to lend money to the Government of Bengal. Under the present Government of India Act there is no provision for statutory Famine Insurance Fund but it is proposed to have a Famine Insurance Fund by an Act of this Legislature. The proposal is that the total amount in the fund should be twelve lakhs, a balance of three lakhs and thirty thousand—not three lakhs and 39 thousand as stated by mistake in the Bill—has been received out of the balances of the fund that used to be and we start the new Fund with that amount. It is also proposed in this Bill that the Local Government should make an annual contribution of Rs. 1,50,000 to build up this fund. If the fund at any time exceeds 12,00,000, the balance should be spent on productive irrigation works or on paying debt charges that might be incurred by the Local Government. In no year in the past except in 1936-37 the expenditure on Famine Relief in this Province was very high. Just to give an idea to the House of the expenditure that the province was called upon to incur under this head I shall give you certain figures.

In 1921-22 the expenditure was nil; in 1922-23 it was only Rs. 29,000 in 1923-24 it was nil; in 1924-25 it was nil; in 1925-26 the amount was Rs. 1,000; in 1926-27, Rs. 64,000; in 1927-28, Rs. 80,000; in 1928-29, Rs. 3,97,000; in 1929-30, Rs. 46,000; in 1930-31, Rs. 35,000; in 1931-32, Rs. 2,33,000; in 1932-33, Rs. 48,000 and only in the year 1936-37, the amount was Rs. 10,33,000. The Hon'ble Members will remember that was an extraordinary situation with which the province was then faced and we all hope that we shall not have a similar situation during

the next 50 years because if past experience is any data I think it is very safe to assume that Bengal will not have to face a similar situation in another 50 years.

In the Provinces of Bombay and Madras they passed Famine Insurance Acts on the same lines as this Bill but they did so under the previous constitution. This Government decided to leave it to the present constitution. I hope the House will agree to the proposal. It is a very salutory measure. It is an insurance against famine so that Government may not have to avail themselves of the normal revenue to meet an extraordinary situation.

The annual contribution has been fixed at Rs. 1,50,000 instead of Rs. 2,00,000 as was the case in the past. In view of the fact that we start the fund with Rs. 3,30,000 and in view also of the fact that the expenditure never exceeded Rs. 00,000 even in a bad year, Rs. 1,50,000 per annum is a quite sufficient amount. With these words, Sir, I move the motion.

The motion that clauses 1 and 2 stand part of the Bill was put and agreed to.

Clause 3.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in clause 3(*c*) in line 2 for the words and figures "sections 4 and 5", the word and figure "section 4" be substituted.

Sub-section 5 is unnecessary in view of section 6. It was put in by oversight. It is merely a drafting change that I have suggested.

Dr. NALINAKSHA SANYAL: I beg to move that after clause 3 (*iii*) the following be added, namely:—

"(*iv*) such sums as may remain in the hands of Government as surplus out of any public fund raised on the initiative of Government or Officers of Government for the relief of distress caused through famine, drought, flood or other natural calamities."

My esteemed friends Babu Jatindra Nath Basu and Maulvi Abdul Bari have also felt in the same way. I do not think, therefore, much need be said about the justification of this amendment. From our experience in the past we have seen that Government funds are kept in such watertight compartments that even when contribution from other sources may be available that contribution cannot be tacked on to this kind of Government fund which can be utilised for the relief of distress. Last year and the year before there had been extensive famines particularly in the central part of Bengal. Funds were raised through official endeavours as well as

through non-official agencies. Part of that fund was spent and part could not be spent, but we found that we had no authority to leave that part for some kind of future contingency. I only want the Hon'ble Minister in charge of the Bill to realise that if he keeps some sort of elasticity in creating this fund it will be all the more convenient for Government. I am prepared to withdraw my amendment, if Babu Jatindra Nath Basu's amendment finds favour, in favour of that amendment because that amendment is a little more wide and any other source might be availed of for replenishing and augmenting this fund. I may at this stage, however, draw the attention of this House and of the Hon'ble Minister in charge through you that his calculation about the necessity for the amount of famine insurance fund for the province may belie him. From the year 1921-22 right up to 1936-37 he has given an account of funds actually drawn upon for expenditure on famine and such other natural calamity. I submit there had been numerous occasions for drawing upon that fund but unfortunately for certain obvious reasons which I do not want to repeat in this House, the officers of Government at that time did not like to declare any catastrophe or scarcity of a serious nature to be famine because there were some other complications about land revenue collections and other things. Therefore famine although occurring could not receive grants from this fund. I submit that with the inauguration of the new Reforms the pressure on our popular Ministers will be greater, for taking recourse to such funds, as and when there may be occasion for the same. It would not be very desirable for them to limit this to an amount of Rs. 12 lakhs only and if the revenues of Government do not permit them to leave more than Rs. 12 lakhs they should have some opportunity of increasing that fund from other sources. That is exactly why this additional clause is proposed. I submit, in the year 1923-24, we all know that there had been a very great flood in North Bengal, where this fund could not be utilised. The Hon'ble Minister has read out a statement that not more than Rs. 2 lakhs, I suppose, had been spent in 1923-24.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No money was spent in that year.

Dr. NALINAKSHA SANYAL: That makes the position worse. You all come to know that even there is a calamity of that character as the North Bengal flood, which we experienced, they could not spend anything at all out of that fund. I submit that the conclusion is obvious that the fund could not be utilised not because there had been no famine or catastrophe but because the rules or attitude of Government prevented them from drawing upon that fund.

Moreover, Sir, I feel that the Hon'ble Minister for Revenue has overestimated or is rather very optimistic about the economic possibilities of this province when he said that for the next 50 years there might not

be any necessity for drawing upon this fund to the extent necessitated last year. I shall be very happy and every one of us will be happy if such calamities never occur. But it is a prophecy which my honourable friend would be taking very great risk to hazard. I submit that we should be extremely cautious when we constitute an insurance fund, and we should try to put as much resources into it as we can, and also try to keep the door open for charitable people to contribute their quota to the fund to help in the relief of distress.

Maulvi ABDUL BARI: I beg to move that after clause 3(*iii*) the following be added, namely:—

"(*iv*) any donation that might be made by any member of the public."

It is the desire of the Government to give as much relief as possible to the people who are famine-striken or flood-striken. It was also the desire of the public that a Bill like this should have been introduced, and we must congratulate the Hon'ble the Revenue Minister for taking early steps for introducing a Bill like this. I think the clause which I intend to add is a very wholesome and salutory one in view of the fact that it is the desire of Government to collect fund, be it from the provincial Government or from the Government of India. It is certainly not the desire of Government to shut out any contribution that might come to them from other sources. Therefore I think that it would be desirable to have a clause like this inserted and I do not think that the Government will have any objection to the insertion of this clause. I would further like to add that we did not find any charitably disposed person in the province of Bengal at the time of flood and famine which occurred in the province. We shall also have to look to the mentality and the philosophy of human mind. If a man makes a contribution he wants some recognition at the same time, either from the public or from Government. Charitably disposed persons also want some recognition from Government. Therefore if a clause like this be inserted then certainly those gentlemen who want to contribute would be very much inclined to make contribution to this fund and thereby the fund which is sought to be introduced by the Revenue Minister will be augmented.

Babu JATINDRA NATH BASU: I beg to move that after clause 3(*iii*) the following be added, namely:—

"(*iv*) Contribution from any other source."

This clause lays down the resources from which money can be made available for the purposes of this fund. There are three sources stated in the Bill, namely, contribution by the Provincial Government; such other sums as the Provincial Government may contribute annually

to the fund and the interest which may from time to time accrue on the securities. But there is no provision in that clause for the fund being augmented from any other source besides the three sources mentioned in the Bill. I have therefore proposed that sub-clause (*iv*) be added, namely, "contribution from any other source." I recognise that the two amendments just proposed have the same object as my amendment; but my amendment is wider. It does not confine itself to any individual contribution or to any surplus fund which may be left in the hands of Government or any other authority for any other purpose. The words are "contribution from any other source," and I think the addition of that clause will make the clause more wide and comprehensive and I hope it will be accepted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I fully appreciate the desire of the honourable members who moved these amendments, but there are certain practical difficulties. In fact when the Bill was drafted there was a suggestion that a provision like this might be included in the Bill. But after careful consideration of the proposal Government came to the conclusion that it was better not to complicate the provincial fund with local funds. When famine is declared the expenditure of public funds has to be regulated according to the rules laid down in the Indian Famine Code, and if private funds are included in the Government fund, then the expenditure of the private fund will also have to be guided according to the rules laid down in the Famine Code which are very strict. The contribution on such occasions are usually spent in giving relief to persons so that there might be no starvation, whereas money from private funds or local funds or from contributions by generous members of the public are generally spent in giving additional necessaries of life to the famine-striken people, e.g., clothings, medicines and other things are supplied out of private funds. (A VOICE: Not current expenditure?) No current expenditure but additional necessities of life. The expenditure out of Government fund is strictly limited to preventing people from dying of starvation. So I do not think it will be helpful if the two funds are amalgamated.

Then there is another objection: there is scarcely a private fund which is meant for the whole of the province. It is generally limited and meant for a particular area, for a particular district or a particular group of districts. So there might be conditions attached to those funds and it would be undesirable to spend that money without fulfilling those conditions. Donors might have made those contributions on certain conditions and in fairness to them it would be proper for Government to carry out the wishes of the donors as far as practicable. So if private funds are amalgamated with the Government fund, these difficulties would arise.

Lastly, Sir, it will only reduce Government's financial obligation and it might discourage the generous members of the public from

coming forward with contributions. They may be quite prepared to make contributions for relief of human sufferings in a particular way; but certainly they would hesitate to reduce the liability of the State.

(A VOICE: He pays only to reduce the liability of the people.)

That question does not arise.

Rai HARENDRA NATH CHAUDHURI: It is possible that a generous man may make a contribution without any condition.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: But that is not usually done. There may be zemindars like my friend Mr. Rai Chaudhuri who may make contributions free of conditions but such instances are very rare. On these grounds I would request my honourable friends not to press their amendments? In fact, I can assure them that this question was very carefully considered before we drafted this Bill. In fact, this suggestion came from a honourable colleague of mine and after a thorough examination of the question we decided not to amalgamate the Government fund with private funds. With these few words I oppose the amendment.

The amendment moved by Sir Bijoy Prasad Singh Roy was put and agreed to.

Mr. SPEAKER: The three amendments are almost identical in nature and I think it would satisfy Dr. Sanyal as well as Mr. Abdul Bari, if instead of putting Dr. Sanyal's and Mr. Abdul Bari's amendments I put the comprehensive one of Mr. J. N. Basu.

The amendment moved by Maulvi Abdul Bari was by leave of the House withdrawn.

The amendment moved by Mr. J. N. Basu was put and lost.

The motion that clause 3 as amended stands part of the Bill was put and agreed to.

Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, I beg to move that in clause 4, in line 4, after the words "the sum of" the word, figures and words "Rs. 1,61,000 together with the sum of" be inserted.

Sir, the Government proposal is to start a Famine Insurance Fund with Rs. 3,39,000 only. My proposal is to start the Famine Fund with a decent sum of Rs. 5 lakhs. For unless they start with Rs. 5 lakhs, Government will not be able to cope with any calamity which may occur in the near future. For instance, Sir, only year before last there was a wide failure of crops in some of the districts in the Presidency and the Burdwan Divisions and Government could only cope with that calamity and in a partial manner and niggardly way because——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Can this section be moved without the sanction of the Governor under section 82?

Mr. SPEAKER: I think the matter for which you ask for a decision at this stage is a complicated one. Personally I think that this amendment will require the Governor's sanction. But there has been a decision by the Government, which I have not accepted but I am writing again to them to make the position clear, that amendments to a Bill do not require sanction of the Governor. Personally it is very difficult for me to find out the reason for it. But you may remember that in connection with the Ministers' and Members' Emoluments Bill this question was raised, and I drew their attention that if a member wants to increase the emoluments that will increase the financial obligations of Government and will require the Governor's sanction. I have received a memorandum from the Home Department that amendments to a Bill do not require the sanction of the Governor. I am, therefore, proceeding on that assumption. Personally I feel that that decision is wrong, but the matter will have to be thrashed out. But for the time being I have to proceed on the basis of that decision.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. I would also refer to your previous decision on the point and also to the fact that the Assembly has accepted such amendments in connection with the other money bills.

Mr. SPEAKER: What I feel and Mr. Rai Chaudhuri will agree that one illegality does not create a precedent for further illegalities and if that decision is wrong I am not prepared to hold that that decision must stand. This is a point which is still under discussion but pending a final decision I must accept the decision which has been made by Government in this matter.

Rai HARENDRA NATH CHAUDHURI: As I was observing, Sir, it was only possible for Government to cope with this calamity that befell some of the districts of the Presidency and the Burdwan Divisions in 1935-36, because Government had a decent sum of Rs. 13 lakhs piled up in the course of 1921-39. Had not that been the case, I am quite sure the Minister in charge of Land Revenue would have stood up from his seat and declared that Government was not a charitable institution as a former Revenue Member had done in the year 1923, I believe, when there was a famine in Khulna. I would, therefore, suggest, Sir, that he ought to start the fund with Rs. 5 lakhs. Sir, the Revenue Minister may be disposed to think in terms of centuries and half-centuries, but famines have got a knack of appearing and re-appearing in almost every quinquennium. Suppose, therefore, Sir, a calamity of this type appears somewhere in 1940 or 1941 it will be simply impossible for Government to cope with it unless

Government provide 5 lakhs now at the beginning. Sir, we have also got to remember that in the past we have not dealt very fairly with the Famine Insurance Fund. Some of the money of this Fund went to other purposes and that led to depletion of this Fund. In view of that fact I would suggest that Government should not hesitate to start with Rs. 5 lakhs and my proposal is only to augment the sum proposed by Rs. 1,70,000 almost the same amount by which the Council revised up the provision for Member's Salary, and I think there will be no one here to suggest that the Famine Insurance Fund ought not to get that extra amount at least which the members voted for themselves.

(Adjournment.)

The House was then adjourned for 15 minutes.

Mr. SPEAKER: Sir Bijoy, I understand that the position is that this matter requires the recommendation of His Excellency the Governor. I had an opportunity of discussing it with the legal advisers since I referred to this matter in the House and it seems to me that my interpretation of the law was correct and that the Government letter was a misprint. In that view I hold—not only on that ground, but also on the ground that this Bill may involve a charge on the provincial revenue—that the matter will require the recommendation of His Excellency. In the meantime, I understand that the Hon'ble Sir Bijoy Prasad has obtained the recommendation of the Governor on that behalf. So there is no objection to the matter being taken up.

Srijut Manindra Bhusan Sinha supported the motion of Rai Harendra Nath Chaudhuri in Bengali

As he referred to the remark of the Hon'ble Sir Bijoy Prasad Singh Roy that according to the cycle of famines it was hoped that there would not be another famine in 50 years——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I rise on a point of personal explanation? I never said what the Speaker is attributing to me What I said was that the situation in 1935-36 was extraordinary and from past experience we could reasonably hope that Bengal would not be faced with an equally extraordinary situation in another 50 years. There is a cycle in famines and from that it may be reasonably concluded that we would not be faced with a similar situation within the next half a century.

Srijut Manindra Bhusan Sinha concluded his speech with an appeal to the members to support the amendment of Rai Harendra Nath Chaudhuri.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I just at this stage make a statement that Government are prepared to raise the initial amount of Government's contribution from Rs. 3,39,000

to Rs. 5 lakhs, and also to raise the annual contribution from Rs. 1½ lakhs to Rs. 2 lakhs, subject to the maximum of Rs. 12 lakhs.

Mr. SPEAKER: Will you please move a short-notice amendment for the deletion of the words which you are proposing substituting Rs. 5 lakhs for Rs. 3,39,000.

Short-notice Amendment.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg formally to move that the words and figures "Rs. 5 lakhs" be substituted for the words and figures "Rs. 3,39,000" in line 4 of clause 4.

Mr. SPEAKER: You may also move your amendment No. 7.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I also beg to move that in clause 4, in lines 4 to 8, the words and figure "which is the amount received from the Central Government as the balance at the credit of the Provincial Government in the Famine Insurance Fund maintained under Schedule IV to the Devolution Rules made under Government of India Act" be omitted.

The motions were then put and agreed to.

The motion of Rai Harendra Nath Chaudhuri was, by leave of the House, withdrawn.

The motion that clause 4, as amended, stands part of the Bill was put and agreed to.

Clause 5.

The Hon'ble Sir BIJOY PRASAD SINGH Roy: I beg to move that clause 5 be omitted.

Dr. NALINAKSHA SANYAL: Sir, we have to oppose this deletion, as we feel that there is something more about it than is apparent.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I explain first of all the position and if my friend feels it necessary, he may oppose it. I would draw his attention to the proviso to clause 8 which says "Provided that if the deficiency exceeds one and a half lakhs of rupees (it is now Rs. 2 lakhs), it may be made up in annual instalments, the amount of each instalment except the last being not less than one and a half lakhs of rupees (it is now Rs. 2 lakhs).

There it is expressly provided that Government must make the contribution. In view of this, I hope my friend will not press his objection.

Dr. NALINAKSHA SANYAL: If you put in the word "shall," then it will be a compulsory contribution from Government.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The contribution may be more than that. It leaves a wide latitude to Government. So what is the necessity of putting in "Shall?" The minimum contribution of Rs. 2 lakhs has now been made compulsory.

Mr. SPEAKER: If the Hon'ble Minister makes an announcement on the floor of the House that so far as the minimum is concerned it is the intention of Government to make an annual contribution, I think the House might well accept it.

Rai HARENDRA NATH CHAUDHURI: Sir, that is not the point at issue. Clause 5 says what will be the total contribution and that will be the annual contribution. Clause 8 does not say this.

Mr. SPEAKER: There is annual contribution in the proviso.

Rai HARENDRA NATH CHAUDHURI: The proviso does not contemplate anything except when there is any deficiency. Clause 5 provides for the annual assignment.

Dr. NALINAKSHA SANYAL: Sir, I withdraw my objection.

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy was put and agreed to.

The motion that clause 5, as amended, stands part of the Bill, was put and agreed to.

Clause 6.

Mr. PRAMATHA NATH BANERJEE: Sir, I beg to move that in clause 6, in line 2, the word "serious" be omitted.

Sir, the word "serious" does not perform any important function in this clause. Whether or not a country has come under the grip of famine is always a matter for the executive Government to decide. Therefore I do not think that any useful purpose will be served by drawing a line between famine and serious famine. In other words, as is well known to the members of this House as well as to yourself, Sir, sometimes practical difficulties may arise: for instance, a territory or a tract of land may be under the grip of famine and yet the executive Government in the past did not make a declaration to that effect; they simply said that there was an "economic distress," "scarcity," "depression," etc. Sir, these are phrases very respectable and valuable; but so far as the qualifying adjective is concerned, if the Hon'ble

Minister in charge will please delete it, I think much of the objection of this House will be met.

Mr. SPEAKER: Mr. Banerjee, will you please move motions Nos. 19 and 25?

Mr. PRAMATHA NATH BANERJEE: Yes, Sir, I beg to move that in the proviso to clause 6, in lines 3 and 4, the words "on protective irrigation works and other works" be omitted.

Sir, I also beg to move that in the proviso to clause 6, in line 5, after the words "debt charges" the words "for the relief of famine or distress mentioned herein" be inserted.

The net result, Mr. Speaker, of the amendments proposed by me is that all the provisions in the proviso to clause 6 will apply only to famine. For instance, if the words "protective irrigation works and other works" be omitted, the result will be that the whole fund will be placed at the disposal of famine. The second amendment is to the effect that after the words "debt charges" the words "for the relief of famine or distress mentioned herein" be inserted. Clause 6 is somewhat of wider application. It says that the provincial Government may utilize any sum in excess of 12 lakhs to meet expenditure on productive irrigation works and other works. I, Sir, do not like those cabalistic words "and other works." Irrigation works are very important, but in the budget which we shall pass a few days later on handsome provision has been made by the Hon'ble the Finance Minister for purposes of financing irrigation works. And I do not propose, by this amendment, to have the extra sum over and above the 12 lakhs either for purposes of irrigation works or for other undefined and indefinable works.

Then, Sir, with regard to the second amendment on this clause, I would like to insert these words "for the relief of famine or distress mentioned herein." The words used in this clause are: "for the prevention of famine or to pay debt charges." Payment of debt charges Sir, is an important obligation cast upon the finances of the province. That is true, but according to my amendment payment of debt charges on items other than items appropriated specifically for famine charges should not be borne by this fund. I repeat, Sir, with confidence that these three amendments are extremely reasonable; they constitute constructive proposals made by this side of the House for which the Hon'ble the Chief Minister made such an ardent appeal last evening. The purposes of the Bill will not be defeated and the noble purpose of the framers of the Bill will not be vanquished, if these three amendments are accepted.

Maulvi ABDUL BARI: May I, Sir, with your permission move the two amendments standing in my name under clause 6?

Mr. SPEAKER: Yes, you have my permission.

Maulvi ABDUL BARI: Sir, I beg to move that in clause 6, in line 3, after the word "flood" the words "earthquake" be inserted. I further beg to move that in the proviso to clause 6, line 5, after the word "famine" the words "or flood" be inserted.

My intention in moving these amendments is to make this clause 6 more comprehensive. The intention of Government——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I at this stage mention that Government are prepared to accept both these amendments?

Mr. SPEAKER: If so, I think there is no use making any speech on these amendments.

Mr. SPEAKER: Amendment No. 20 standing in the name of Rai Harendra Nath Chaudhuri has already been moved by Mr. P. N. Banerjee.

Rai HARENDRA NATH CHAUDHURI: I want to say a few words, Sir, on my own account.

Mr. SPEAKER: Not now. Let me now call other amendments to this clause.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that from the proviso to clause 6, in lines 5 to 8, the following words be omitted, namely,—

"Or to pay debt charges for which the Provincial Government may from time to time be liable, including interest, sinking-fund charges and redemption charges."

Mr. SPEAKER: I would request all members to be as brief as possible in their speeches.

Dr. NALINAKSHA SANYAL: All right, Sir, I am not going to deliver a long speech.

Mr. friend, Mr. P. N. Banerjee, has already proposed the limitation of the scope of expenditure from out of this fund on account of interest, sinking-fund charges, etc., on debts. I mean to suggest that even that amount of limitation will not do. We shall not be

really utilizing the fund properly if any portion thereof is spent on debt charges or sinking-fund charges or on redemption charges, because the amount is so small—the amount is going to be only 12 lakhs—that any surplus out of this 12 lakhs will be insignificant. I feel that this clause as a whole, after the withdrawal of the proviso to clause 6, becomes more or less unnecessary, and academical, because, really speaking, there can be thereafter no surplus beyond 12 lakhs, inasmuch as there is no compulsory annual contribution contemplated. It is only when the accounts show that the amount is less than 12 lakhs that there will be some contribution, so that the possibility of any surplus over 12 lakhs will be very meagre. But even then, if there is any surplus, I would not like any amount out of that fund or out of any fund for this purpose to be spent for meeting debt charges, sinking-fund charges, or redemption charges.

Babu JATINDRA NATH BASU: Sir, I beg to move that in the proviso to clause 6, in line 5, after the words "debt charges" the words "incurred for relief under this Act" be inserted.

The object of the amendment is this. Proviso to clause 6 authorizes Government to spend any excess over the 12 lakhs of rupees, of which the Famine Insurance Fund is to consist to meet expenditure on productive irrigation or other works for the prevention of famine or to pay debt charges. It does not define or limit as to what the debt charges are. There may be debt charges for the prevention of malaria; there may be debt charges for the establishment of a waterways board. As this is an ear-marked fund, almost in the nature of a trust fund, it should be made clear in the Act itself that it cannot be used for the ordinary charges of Government. The money should not go to the general funds of Government but to a special fund. Therefore, debt charges should be defined; and I have tried to define it by the addition of the words "incurred for relief under this Act" which would have the effect of limiting the debt charges, and would also limit the power of Government to spend the surplus only on debt charges incurred for the relief of famine.

Mr. ATUL KRISHNA GHOSE: Sir, I beg to move that the proviso to clause 6 be omitted. The object of my amendment has been partially met by the amendments of Mr. P. N. Banerjee and Mr. Jatindra Nath Basu. I do not like the idea of productive irrigation works and other works. Mr. J. N. Basu in his speech has also agreed, to some extent, that this debt charge should be limited to debts incurred for famine relief. Now, Sir, practically speaking, three-fourths of the whole clause is going to be deleted by the various amendments moved. The only difficulty arises when we come to the question of debt charges, sinking-fund and other charges. The past history of famine insurance grant, so far as we have been able to study the situation shows that it

has been mis-spent in so many ways that one naturally apprehends what the fate will be of this fund too, if we maintain a proviso-clause like this. Is it not a fact that famine insurance funds have been misused in the name of sinking-fund charges, in the name of capital fund, and even sometimes in the name of emergency fund? And what is the significance of an emergency fund? The significance is to aid war for killing men, whereas the famine insurance fund, as it was conceived by Sir John Strachey—in what year I do not remember—, was in the nature of a trust fund, and a definite assurance was then given that the whole fund would be utilized for the purpose of famine relief. Then, that famine relief fund was suspended from time to time, and fresh taxation continued to relieve famine-stricken people, but ultimately that amount was practically suspended, and that money was allowed to be spent sometimes in the name of productive works, sometimes in the name of unproductive works—sometimes in the name of productive irrigation works and sometimes for famine railways. Every student of Economics knows how the idea of "famine railways" brought about a devastation in the country. About 7·4 crores of rupees went to the pockets of the European contractors in the name of famine railways. If things go on like this in the name of productive irrigation works and other works then no definition of famine, as my friend Mr. P. N Banerjee has already said is possible. What is the significance of the expression "other works"? Is it again the building productive works? Under the head "Building Productive Works" also so much money has been wasted. Under the circumstances if we retain a proviso clause like this, one does not know what situation will be created again. So, from our past experience it is quite natural to apprehend that again much money will be misused and money will be spent in the name of famine insurance fund, and as such we cannot but say "Don't waste any further money in the name of productive irrigation works". The Irrigation Department is there, and it can very well take care of itself.

As regards debt charges, I have heard of debt charges incurred on account of famine. Our national debt has been incurred in various other ways, and, practically speaking, it is now unlimited. Under these circumstances, when we do not call it say, educational debt charges, when we do not call it sanitation debt charges when they are incurred for those specific purposes, what special significance is there to speak of famine relief debt charges? Is it because that the poor people suffer from famine—the villagers suffer form famine? Is it because that there is—if I may be permitted to say so—a superiority complex that whenever the question of famine comes, we raise all these issues and we always try to avoid famine relief? I know that during the last Jessore famine, when the Jessore Famine Relief Committee was started on my initiative, the Press Officer of the Government of Bengal tried his very best to hush up the matter when the people died of starvation. When every

newspaper published harrowing tales of distress and scarcity, Government hesitated to declare a famine. And what was this due to? They did not want to declare it as a famine because they have got some obligation to relieve that distress. As my friend Mr. P. N. Banerjee has said,—and I quite appreciate it—we do not know when Government will declare a particular situation as famine or simply as distress or scarcity. Under these circumstances, if a fund is raised with the particular object of relieving famine, it is of no use to spend it on productive works or unproductive works—sometimes Government call them test works. I think it should be utilized and earmarked solely for the purpose of relieving famine. Then, again what are these test works? Does the Hon'ble Minister include it in his terminology of "other works"? These test works so far as I have been able to realise——

Mr. SPEAKER: Mr. Ghose, I am afraid I must interrupt you. You are going much beyond the scope of your motion. You should only confine yourself to the purpose for which the surplus amount in excess of 12 lakhs should be spent. All that you have said is quite legitimate so far, but now I am afraid you are losing touch with appropriate connection and your reference is out of place. I would request you therefore to drop this point.

Mr. ATUL KRISHNA GHOSE: Mr. Speaker, Sir, I do not understand the significance of the words "other works" mentioned in the proviso to the clause. If I want to explain the words "other works" I am tempted to mention "Test works" which are sometimes claimed by the Government to explain whether famine has actually taken place in the country or not——

Mr. SPEAKER: I am sorry, but you shall have to leave this point.

Mr. ATUL KRISHNA GHOSE: Then so far as I have been able to understand much money of the Famine Insurance Fund has been misused in the past and I appeal to the members of the House to be very critical and visualise the situation so that further amount may not be spent in the name of this sort of terminology and I am of opinion that the proviso to clause 6 should be deleted.

Rai HARENDRA NATH CHAUDHURI: Sir, I would not have intervened in this debate—as the amendment of Mr. Pramatha Nath Banerji already covers my amendment—but for the fact that I anticipate that the Hon'ble Minister in charge of Revenue will come forward with the explanation that the words used in this proviso have been taken bodily from Schedule IV of the old Devolution Rules. Sir, I was aware of all these things. But we cannot deny that the Famine Insurance Fund simply because of this unhappy language of Rule 3 has been open to misuse in the past and part of it has been diverted to purposes to which

nobody conceived such funds could be diverted at all. In the previous budgets we have seen that expenditure on irrigation works (works under head 16 which in the new budget come under head 19) was in part financed from Famine Insurance Fund. Now, under head 16, it will be seen that such major works as the Hijli Tidal Canal, the Eastern and Circular Canal, the Madaripur Bheel Route come. If some of these projects, which can never be associated with famine relief works, swallowed in the past, a part of the Famine Insurance Fund we have reasons to be cautious. Further having regard to the fact that the present Government are not under any statutory obligation to copy the very words used in section 3 of the old Devolution Rules, I suggest that these words should be removed from the Bill before us.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I understand that I have to reply to three sets of amendments that have been moved, namely, 14 to 16, 19 and 24-25. The first set of amendments proposes that the word "serious" be omitted. Sir, distress may be divided into two classes, namely, ordinary distress and more than ordinary distress. Under the Famine Code no famine is declared if the distress is of an ordinary nature or of a normal nature, and to meet those circumstances there is a provision in the Famine Code that the district board should open test works and should finance those works and, if necessary, Government would advance money to the district board and in the final adjustment Government may help the district board with financial assistance. So it is not necessary to find money from the Famine Insurance Fund to meet a situation which is not of an abnormal character. It is not the idea to draw upon the Famine Insurance Fund to meet the situation which is not of an abnormal character. That is the first and cardinal principle of this measure and I would request the honourable members to remember that point. Insurance ceases to be an insurance if normal expenditure has got to be met out of a fund which is really meant to meet an extraordinary situation.

Dr. NALINAKSHA SANYAL: What is the difference between serious and non-serious?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is a question of degree. Therefore the word "serious" is absolutely necessary and Government cannot agree to omit that expression.

In case of ordinary distress under the Agricultural Loans Act Government can advance money and do advance a large amount of money every year to the agriculturists. In fact, in 1936 Government's expenditure on famine relief was something like Rs. 11 lakhs, whereas the amount of loans advanced under the Agricultural Loans Act was nearly Rs. 37 lakhs; and every year quite a large amount is advanced

as agricultural loans: so there is no point in omitting the word "serious" because the use of this fund is limited only in meeting an extraordinary situation and not a situation which arises almost every year in one part or other of the province.

Sir, as regards amendment No. 19, Mr. Banerji has moved that the words "on protective irrigation and other works" be omitted. Government guarantee that a sum of Rs. 12 lakhs is the ultimate limit of the Famine Insurance Fund. But the fund may exceed 12 lakhs because of the accrual of interest on that amount. So there is no reason why the surplus should not be utilised for other useful works. If the Famine Insurance Fund is exhausted, Government will have to fall back on their general revenues to meet the situation. If the whole of Rs. 12 lakhs is exhausted to meet a famine situation, Government will have to advance money out of their general revenues. So there is no reason why any surplus in that fund should not go to the benefit of the general revenues of Government. If that is not done, you cripple the general revenues of Government to that extent. On that ground I oppose amendments Nos. 19 and 20 which are exactly the same.

As regards amendments Nos. 22, 23 and 24, Government do not raise any *ad hoc* loan for famine operations against the Famine Insurance Fund. But what is done is that Government raise loan for purposes other than famine: that is the usual practice and famine relief is met either out of Famine Relief Fund or out of the general revenues of Government. So loan charges for loans for other than famine relief are proposed to be met out of the surplus in the Famine Insurance Fund. As I just said in connection with amendment No. 19, the province guarantees an expenditure of Rs. 12 lakhs out of the Famine Insurance Fund, but if by any chance that amount is exhausted, Government cannot stop famine operations. They will have to fall back upon their general revenues. So there is no reason why, if there is any surplus in the Famine Insurance Fund, the general revenues of Government should not get the benefit. It is not the idea to confine the meeting of debt charges only to debts raised for famine operations. As a matter of fact, no debts are incurred for meeting famine operations.

Rai HARENDRA NATH CHAUDHURI: Then our apprehensions come true.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No question of apprehension: it is only a statement of fact. The rate-payers of the province will be equally benefited by this expenditure as by a loan raised against the Famine Insurance Fund. It is a normal procedure of finance and of budgeting; and it will be restricted very much if the amendments (Nos. 22-24) are accepted.

Rai HARENDRA NATH CHAUDHURI: On a point of information, Sir. The Hon'ble Minister in explaining the significance of the word "serious" before the House said that the word distinguishes ordinary famine from extraordinary famine. Now, Sir, is it not a fact that famine has a definite significance and definite meaning attached to it under the Indian Famine Code: then why qualify it?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is so, Famine has a special meaning under the Famine Code and unless famine is declared under the Famine Code, no money is to be spent out of the Famine Insurance Fund. That is true.

Mr. JOGESH CHANDRA GUPTA: Is there any definition of "serious famine" in the Code?

Mr. SPEAKER: I think it is my duty, before I put all these amendments to the vote, to explain the scope of the amendments. I am trying to do so, so that the members may not be misled and vote for one while they intend to vote for another. Now, Mr. Atul Krishna Ghose's amendment wants deletion of the entire proviso: that is to say he wants that the expenditure of the fund should be made as required under the first portion of clause 6. Then Mr. Pramatha Nath Banerjee's amendment wants the word "serious" before the word "famine" in line 2 to be omitted. He wants to confine it to the relief of famine and not merely serious famine. The next amendment of Mr. Pramatha Nath Banerjee suggests that the excess over 12 lakhs should be spent for the prevention of famine and not for protective irrigation works and other works. The amendment of Dr. Nalinaksha Sanyal wants to delete the entire provision about payment of debt charges and Babu Jatindra Nath Basu wants that the debt charges should be for debts specifically incurred for relief under the Act and Mr. Pramatha Nath Banerjee last of all wants that after the words "debt charges" the words "for the relief of famine or distress mentioned herein" be inserted.

I put the amendments one after the other. I put Mr. Atul Krishna Ghose's amendment first because if that is accepted, most of the other amendments will fail. But if Mr. Ghose's amendment fails, the other amendments will be put to vote.

The amendment of Mr. Atul Krishna Ghose was put and lost.

The amendment of Mr. Pramatha Nath Banerjee was put and a division called.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government are prepared to accept the deletion of the word "serious."

The motion was then put and agreed to.

The amendment of Mr. Pramatha Nath Banerjee was put and lost.

The amendment of Dr. Nalinaksha Sanyal was put and lost.

Mr. SPEAKER: That disposes of all the omission amendments.

The amendment of Maulvi Abdul Bari was put and agreed to.

Babu JATINDRA NATH BASU: I beg, leave to withdraw my amendment.

The motion was then by leave of the House withdrawn.

The amendment of Mr. Pramatha Nath Banerjee was put and lost.

The motion that clause 6, as amended, stands part of the Bill, was put and agreed to.

Clause 7.

Babu JATINDRA NATH BASU: Sir, I beg to move that in clause 7 in line 2, after the words "re-invest in" the words "its own securities or in" be inserted.

Sir, my amendment proposes that there should also be provision for investment of sums of this Fund in the security of the Provincial Government and not in that of the Central Government alone.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government are prepared to accept this amendment.

Rai HARENDRA NATH CHAUDHURY: On a point of order, Sir. I doubt whether Mr. Basu's amendment will be technically correct and I hope my amendment will be more technically correct.

Mr. SPEAKER: I do not understand this technical difference.

Rai HARENDRA NATH CHAUDHURI: You will find, Sir, that in section 7 it is the Provincial Government which shall operate and the Provincial Government shall from time to time invest in its own securities or in the securities of the Central Government. My submission is that there is a vital difference between the two. My amendment, if carried, will not give Government the option to re-invest it in Central securities when there are Provincial securities.

Mr. SPEAKER: You say this amendment is not correct. Your amendment arises after that of Mr. Basu, and you may move it.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that in clause 7 in line 2, after the words "securities of the" the words "Provincial or in the absence of the Provincial of the" be inserted.

Sir, my amendment travels beyond the scope of Mr. Basu's amendment. Mr. Basu's amendment gives the Government the option to re-invest the money either in its own securities or in the Central securities whereas my amendment does not give that option to the Government. It proposes that Government shall invest all these extra sums in their own securities and if the Provincial securities are not available, only in that case the sums should be invested in the Central securities. Its own securities are worthier of investment than the Central securities.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is not a question of more or less worth. It is a question of the market value of the securities. It may be more advantageous financially for Government to invest their money in the Central securities. I oppose the amendment.

Mr. SPEAKER: The question before the House is the amendment of Rai Harendra Nath Chaudhuri which wants that these sums should be invested first in the Provincial securities and in the absence of Provincial securities in the securities of Central Government, whereas Mr. J. N. Basu wants to leave it to the option of the Government to invest.

The amendment moved by Rai Harendra Nath Chaudhuri was put and lost.

The amendment moved by Babu Jatindra Nath Basu was put and agreed to.

The motion that clause 7, as amended, stands part of the Bill, was put and agreed to

Clause 8.

Babu JATINDRA NATH BASU: Sir, I beg to move that in clause 8(*1*) in the last line, after the word "year" the words "and an abstract of such accounts shall be placed before the Bengal Legislative Council and the Bengal Legislative Assembly every year along with the annual financial statement of the Province" be inserted.

Mr. Speaker, Sir, clause 8(*1*) provides that proper accounts shall be made up at the end of each financial year and the securities belonging to the Fund. Sir, the House should have an opportunity of knowing as to how the accounts of this Fund stand. My proposal is that with the financial statement every year an abstract of the account of the Famine Insurance Fund should also be placed before the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government are prepared to accept this amendment.

The motion was put and agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that in clause 8(2), in lines 1 and 2, the words and figure "after all the annual contributions under section 5 have been made" be omitted.

Sir, I beg to move that in clause 8(2), in line 5, the word "further" be omitted.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that in the proviso to clause 8(2), in lines 1 and 4, for the words "one and a half lakh of rupees" the words "two lakhs of rupees" be substituted.

The amendments moved by the Hon'ble Sir Bijoy Prasad Singh Roy were put and agreed to.

The amendment moved by Rai Harendra Nath Chaudhuri was put and agreed to.

The motion that clause 8, as amended, stands part of the Bill, was put and agreed to.

Clause 9.

Mr. PRAMATHA NATH BANERJEE: Mr. Speaker, Sir, to-night is the night of sweet reasonableness and I do not propose to move my proposed amendment to clause 9.

The motion that clause 9 stands part of the Bill was put and agreed to.

Clause 10.

Mr. PRAMATHA NATH BANERJEE: Mr. Speaker, Sir, the amendment which stands in my name with reference to clause 10 is to the effect that in clause 10, line 1, after the word "may" the words "subject to the approval of the legislature" be inserted.

Government under the Bill which we are discussing to-night are reserving to themselves the right to frame rules. The sections are not comprehensive in character and any Government is likely to reserve the right to frame rules. My amendment is of a very simple nature that these rules may obtain their approval of the Legislature. It is very simple amendment, but it involves a question of vital principle, namely, the practice which has now gathered both in this country as well as in England where the executive frame rules—rules not exactly in conformity with the main object of the Act but with its very letter, and therefore what I propose is that these rules may in any manner whatever obtain the sanction of the Legislature.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. These draft rules are published before the final rules are published, so the public get ample opportunity of offering their criticisms on the draft rules, and it is not the usual practice to come to the Legislature for approval of these rules. These are purely administrative matters with which I do not think the House could be troubled. Sometimes they are quite a large number, and it may take long time for the House to dispose of these rules.

Babu NAGENDRA NATH SEN: On a point of information, Sir, Is the Hon'ble Minister in a position to give a guarantee that the objection will be accepted if they are in majority?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No.

Mr. SPEAKER: Dr. Sanyal, you will realise that so far as this Act is framed there is no scope for non-official contribution.

Dr. NALINAKSHA SANYAL: Sir, may I submit that this Act provides both for setting apart a sum of money for the fund as well as for expenditure for out of that fund. So far as non-official agency in the matter of augmenting the fund goes it might have no further necessity, but so far as expenditure is concerned, I feel and feel very strongly, Sir, that unless a provision is made that this money may be spent either through official or non-official agency there will be serious practical difficulties. I submit that from my personal experience——

Mr. SPEAKER: Order, order I want to be satisfied on the relevancy of the amendment. You want the following to be added, namely, "either through official or through non-official agency."

Dr. NALINAKSHA SANYAL: Clause 10 provides for rule-making power and the rule-making power is not restricted to income, but also to expenditure. Clause 6 provides for expenditure and clause 10 says "the Provincial Government may make rules consistent with this Act for the purpose of giving effect to the provisions of this Act." Clause 6 is a definite procedure for expenditure and says "expenditure from the Fund shall not be incurred except upon the relief of serious famine and the relief of distress caused by serious draught, flood or other natural calamities," and how that expenditure will be incurred will have to be drafted by rules.

Mr. SPEAKER: I am afraid I must hold that so far as your amendment is concerned, unless you can point out that there is possibility of a non-official agency specifically provided for in the Act you cannot make a provision for it under the rules. I am quite prepared

to hold that Government by its rule-making power can bring in anything it likes, but within the scope of the Bill, but unless the Statute substantially makes provision for a non-official agency you cannot under the rule provide it. I am sorry this amendment does not arise.

The amendment moved by Mr. Pramatha Nath Banerjee was put and lost.

The motion that clause 10 stands part of the Bill was put and agreed to.

Preamble.

Dr. NALINAKSHA SANYAL: Sir, the two amendments proposed by me are merely of a consequential nature and I do not think any speech on 37 is necessary.

I beg to move that in the preamble in line 3, the word "serious" be omitted and so also from the long title.

The amendment was put and agreed to.

The motion that the preamble as amended stands part of the Bill was put and agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bill as settled in Assembly be passed.

The motion was put and agreed to.

The Bengal Tanks Improvement Bill, 1937.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to introduce a Bill to provide for the improvement of tanks in Bengal for purposes of irrigation.

The Assistant Secretary then read the short title of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the said be referred to a Select Committee consisting of:—

(1) Maharajkumar Uday Chand Mahtab.
(2) Dr. Sharat Chandra Mukherji.
(3) Mr. Banku Behari Mandal.
(4) Srijut Manindra Bhusan Sinha.
(5) Maulvi Abul Hashim.
(6) Babu Surendra Mohan Maitra.
(7) Mr. Pramatha Nath Banerjee.
(8) Rai Bahadur Kshirod Chandra Roy.

(9) Mr. Puspajit Barma.

(10) Mr. David Hendry.

(11) Maulvi Abdul Bari.

(12) Sahibzada Kawan Jah Syed Kazem Ali Meerza.

(13) Khan Bahadur A. M. L. Rahman.

(14) Mr. M. Shamsuddin Ahmed.

(15) Khan Bahadur Alfazuddin Ahmed.

Maulvi Md. Mozammel Huq has expressed his unwillingness to serve on the Committee so his name may be left out. Although I got his consent but he seems to think that it is not necessary for him to serve on this Committee.

(16) Khan Sahib Maulvi Kabiruddin Khan.

With your permission, Sir, I beg to move for the inclusion of three more names, viz.:—

(17) Maulvi Abul Quasem,

(18) Maulvi Md. Abdur Rasheed,

(19) Mr. Jasimuddin Ahmed, and

(20) the mover,

with instruction to submit their report as soon as possible and that the number of members necessary to constitute a quorum shall be five.

The recent distress in several districts of West Bengal including those of Burdwan, Birbhum, Bankura, Hooghly and Murshidabad has brought into forefront the question of tank irrigation. Irrigation in some parts of these districts by means of the big irrigation projects is not a feasible proposition because of the absence of rivers which can supply water throughout the year and these areas are unfortunately liable to frequent draughts. In these districts as well as some of the districts of North Bengal, viz., Rajshahi, Malda and Dinajpur there are big tanks which used to be the principal sources of irrigation. But these old tanks being neglected by their proprietors have gradually silted up and can no longer serve the purpose for which they were originally excavated. In the years of draught these silted up tanks naturally dry up resulting in complete failure of cultivation in large tracts of West and North Bengal, followed by all its terrible consequences on the people dependent on agriculture. For a variety of reasons financial and otherwise, it is not possible in most cases for the owners of these tanks to undertake their improvement. It is therefore the duty of the State to remedy the evil and improve these sources of irrigation by taking power to bring about the improvement of these tanks so as to prevent failure of cultivation due to drought in these areas as happened in 1934-35.

Acquisition of these tanks out of public resources is naturally costly, moreover their maintenance will place a permanent burden on the

finances of the province. It may not also be desirable to deprive the proprietors of these tanks of their right of ownership by acquisition unless it is unavoidable in public interest. On these considerations Government have decided to provide in this Bill for taking over of these tanks by the Collector of the district for a limited period for the purpose of improvement and to return them to their owners whose duty it will be to maintain them in a proper state of repair after the cost of improvement is realised from the irrigation rates and other sources of income from the tank within the period it is held by the person or authority to whom it is made over for the purpose of improvement by the Collector. The following are the main provisions of the Bill:—

(*a*) Clause 3 provides that if the Collector is of opinion that any tank which has fallen into disrepair or disuse should be put in proper order for utilisation as a source of irrigation he should serve a notice on the owner or the person having control over the tank requiring him to carry out the improvement within the period specified in the notice. If the improvement is not carried out the tank will be declared a derelict irrigation work to which the subsequent provisions of the Bill will apply.

(*b*) Clause 5 provides that after this declaration Collector may take possession of the tank and carry out the improvement himself or authorise any local authority, co-operative society, a co-owner or any other person interested in the tank to carry out the improvements.

(*c*) Clause 7 gives powers to the Collector to divest the authorised person of his possession if he fails to carry out the improvements with due diligence or to maintain the tank in proper condition and in certain other contingencies.

(*d*) Clause 10 provides that possession by an authorised person shall not affect the rights and liabilities of other persons either to receive or to pay rent in respect of the tank and interest therein excepting the rent payable for the use of water for the purposes of irrigation.

(*e*) Clause 11 provides for the payment of compensation to any person in actual possession other than the proprietor of the tank.

(*f*) Clause 12 provides for compensation to persons having a right to catch fish in the tank or to take fruits from the trees on or other produce from the banks of the tank.

(*g*) Clause 13 provides for payment of compensation by the authorised person to cultivators who hold a lease of the bed of the tank.

(*h*) Clause 15 provides for levy of a fee by the authorised person for the right to use water for irrigation purposes.

(*i*) Clause 16 enables the authorised person to recover the costs with interest incurred in carrying out the improvement by levy of fees which are to be calculated so as to recover the amount within a period of 20 years, the rate of assessment being fixed by revenue authorities.

(*j*) Clause 21 provides restoration of possession of the tank to the person who is mentioned in the record-of-rights to be entitled to possession and all rights that existed before the tank was taken possession of by the Collector shall be revived except the rights for which compensations were paid.

(*k*) Clauses 26 and 27 provide for appeal against the action of the authorised person. The final appeal in certain cases lying to the Board of Revenue.

(*l*) Clause 29 bars the jurisdiction of the Civil Court altering and annulling order or decision of the Collector or other revenue authority.

(*m*) Clause 30 bars the jurisdiction of the Civil Court regarding any dispute over rights during the period of possession of the tank by the authorised person or the Collector and takes away any right to compensation for loss, etc., or any action taken under this Act.

The scheme of the Bill is that the derelict tank will be improved by the authorised person who recovers the entire cost with interest from persons benefited by irrigation or by leasing out the tank or by selling fish or fruits of the trees on the bank of the tank. As this recovery may be effected in a period of 20 years the annual fee to be paid by an individual cultivator for the use of water for irrigation purposes will only be a small amount as compared with the benefit derived by the improved irrigation facilities afforded to him.

If this Bill is passed into law Government have no doubt, that it will be a very large extent solve the irrigation problem in several districts of West and North Bengal areas where the main source of irrigation from time immemorial has been the irrigation tanks. I move that the Bill be referred to Select Committee. It will have opportunity of discussing the provisions of the Bill in detail and of suggesting improvements where necessary.

Dr. NALINAKSHA SANYAL: Sir, I beg to oppose generally the provisions of this Bill. It is not a question that I am going to oppose the reference to Select Committee.

Mr. SPEAKER: Dr. Sanyal, after Mr. Dutta Mazumdar has moved his amendment, you can speak. I now call upon Mr. Dutta Mazumdar to move his amendment.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, I beg to move that after the name of Khan Sahib Maulvi Kahiruddin Khan the following names be inserted, namely:—

Mr. Asimuddin Ahmed,

Mr. B. Mukherjee, and

Maulvi Abu Hossain Sarkar.

Sir, I propose the inclusion of these names for the reason that this Bill will, if accepted, affect the rate-payers, the cultivators, the landlords and, in fact, every kind of interest in rural Bengal. It is, therefore, necessary that on the Select Committee there should be persons representing all these different interests. The names I have proposed for inclusion are those of one, who is the President of a Krishak Samity and can therefore be rightly said to represent the point of view of the cultivators; the second Mr. B. Mukherji is the Secretary of the All-India Kisan Sabha and the third Maulvi Abu Hossain Sarkar is a prominent member of the Proja Party in this House. I submit, therefore, that the question of inclusion of these names does not raise any party considerations. I hope that the members of the Treasury Bench Hon'ble Minsters—will agree that in a matter like this provision should be made for the inclusion of every interest that is concerned in this Bill. It should be looked at from the point of view of general and popular interests rather than from the party point of view and from party considerations. I therefore hope that there will be no objection to the inclusion of the names I have suggested.

Dr. NALINAKSHA SANYAL: Sir, I beg to oppose this Bill. In doing so I want to make it perfectly clear that it is not my object to question the desirability of a measure of this nature at this stage. But I would first like to point out to the Hon'ble Minister in charge that the Bill, as stated by him, provides for irrigation purposes only. I submit, Sir, that unless the general principles of this Bill are extended, and its scope is extended to include drinking water-supply and every kind of water-supply, it would be limiting the utility of a Bill of this nature.

In the second place, I object to the reference to the Select Committee on the ground that a very large number of members, have been proposed for the Select Committee, my friend, Mr. Abdul Bari and other Government members.

Mr. SPEAKER: Mr. Abdul Bari is not a member of the Government.

Dr. NALINAKSHA SANYAL: Sir, I stand corrected. Mr. Bari and some members of the Government raised serious objection to our motion for adjournment of the House on the ground of economy. I would like their attention to be drawn to the great need of economy in respect of references of this nature. I submit that already we have been paying heavily for the Nemesis of democracy. We have already got 11 Ministers—the result again of democracy—and if we have to please the various parties in selecting members for Select Committees—we have already got 22 members, I think, for this Committee—we do not know where we shall stop. I understand that, originally Government contemplated 16 members; that number first went up to 18; and they

have themselves again come forward for an increase in the number by way of an amendment, so that the number now comes up to 22——

Mr SPEAKER: No, it is 20.

Dr. NALINAKSHA SANYAL: I stand corrected. It is 20. Well, I submit that even in Parliament where there are more than six hundred members, there are only 15 member Select Committees. If it is Sir, so very vital, that many members' opinion has got to be taken, we might rather have a committee of the whole House and discuss the Bill clause by clause here. Otherwise, it will be a very expensive affair, to have Bills of this nature referred to very big committees, and members asked to come forward and help in the deliberations of the committees and paid, in addition to their salary, the usual halting allowance, motor-car allowance, and other things That would certainly be very expensive, Sir. I submit, therefore, that on these grounds the motion to refer the Bill to Select Committee be opposed.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I just make one submission, Sir? Government are prepared to accept the name of Maulvi Abu Hossain Sarkar out of the list submitted by Mr. Niharendu Dutta Mazumdar in his amendment No. 10B.

Dr. NALINAKSHA SANYAL: What is the total number of members now?

Mr. SPEAKER: Twenty-one.

Mr. Dutta Mazumdar do you want to press for your amendment in its entirety or would accept the modification proposed by the Hon'ble Minister?

Mr. NIHARENDU DUTTA MAZUMDAR: I accept the Hon'ble Minister's suggestion and beg leave of the House to withdraw my original amendment.

The motion, was by leave of the House, withdrawn, in view of the statement of the Hon'ble Sir Bijoy Prasad Singh Roy.

The motion that the Bengal Tanks Improvement Bill, 1937, be referred to a Select Committee consisting of—

(1) Maharajkumar Uday Chand Mahtab.

(2) Dr. Sharat Chandra Mukherji.

(3) Mr. Banku Behari Mandal,

(4) Srijut Manindra Bhusan Sinha,

(5) Maulvi Abul Hashim,

(6) Babu Surendra Mohan Maitra,

(7) Mr. Pramatha Nath Banerjee,

(8) Rai Bahadur Kshirod Chandra Roy,

(9) Mr. Puspajit Barma,

(10) Mr. David Hendry,

(11) Maulvi Abdul Bari,

(12) Sahibzada Kawan Jah Syed Kazem Ali Meerza,

(13) Khan Bahadur A. M. L. Rahman,

(14) Mr. M. Shamsuddin Ahmed,

(15) Khan Bahadur Alfazuddin Ahmed,

(16) Khan Sahib Maulvi Kabiruddin Khan,

(17) Maulvi Abul Quasem,

(18) Mr. Md. Abdur Rasheed,

(19) Mr. Abu Hossain Sarker

(20) Mr. Jasimuddin Ahmed, and

(21) the mover.

with instruction to submit their report as soon as possible and that the number of members necessary to constitute a quorum shall be five, was put and agreed to.

Mr. SPEAKER: I understand that there is no other Government business for to-day and the next two days. So I now adjourn the House till 3-45 p.m. on the 20th August.

Adjournment.

The Bengal Legislative Assembly was then adjourned till 3-45 p.m., on Friday, the 20th August, 1937, at the Assembly House, Calcutta.

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